

FEDERAL BUREAU OF INVESTIGATION  
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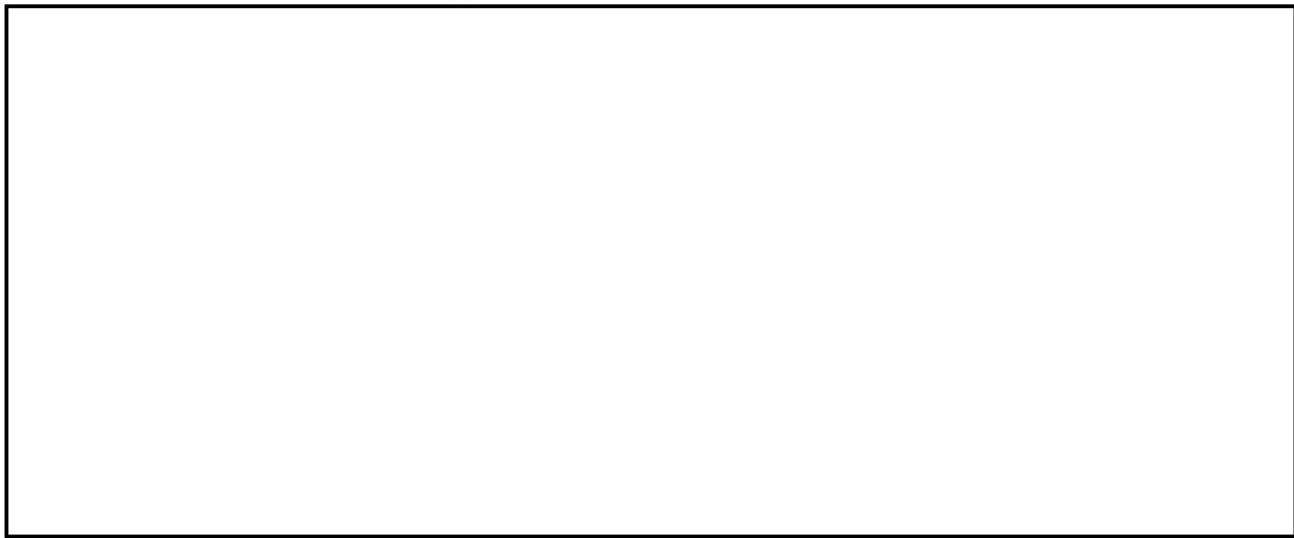
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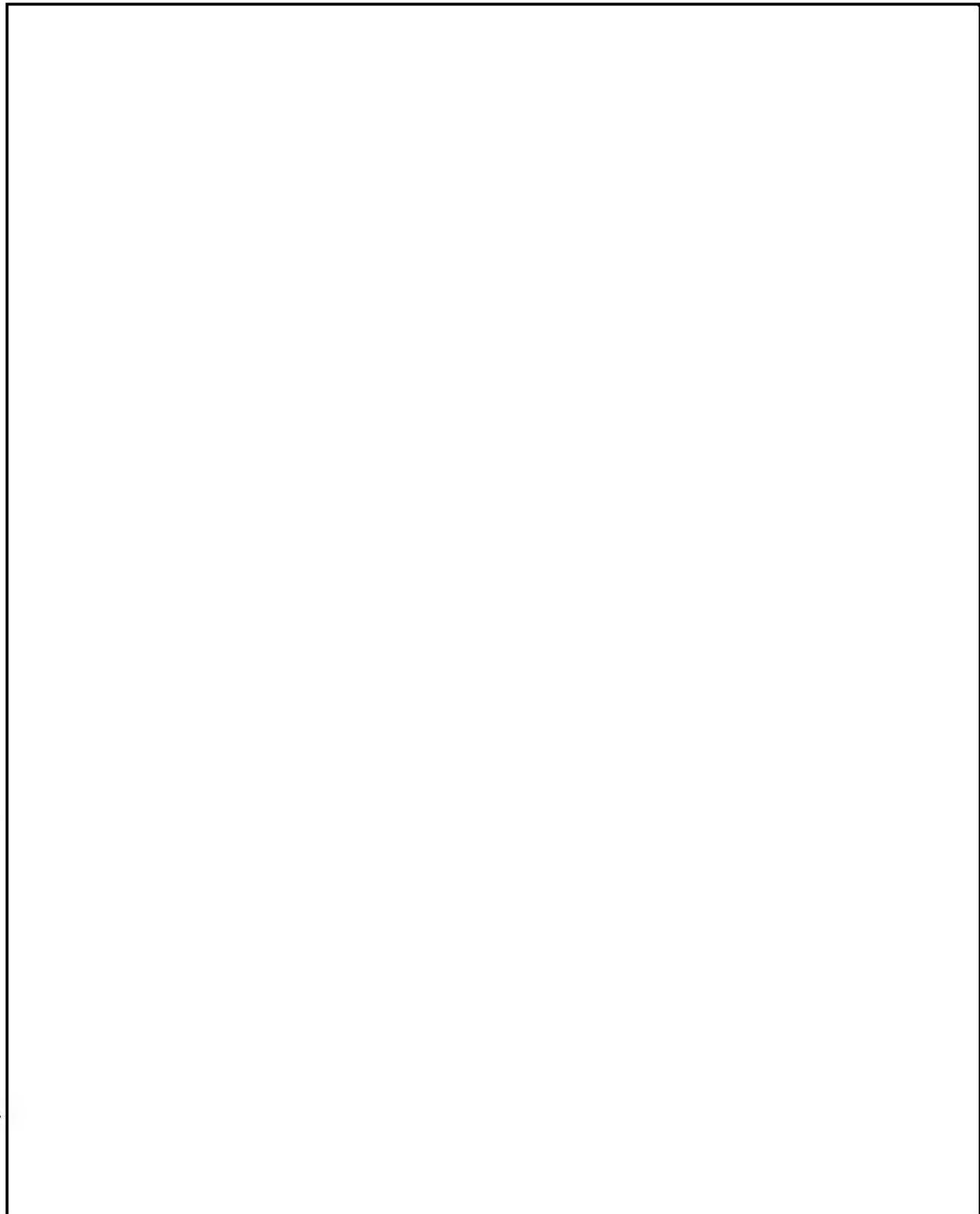
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 18 1982

UNITED STATES OF AMERICA : CLERK, U.S. DISTRICT COURT  
v. : DISTRICT OF COLUMBIA  
EDWIN P. WILSON, et al. :

GOVERNMENT'S RESPONSE AND OPPOSITION TO  
MOTIONS FILED BY DEFENDANT EDWIN P. WILSON  
ON AUGUST 6, 1982

STANLEY S. HARRIS  
United States Attorney

E. LAWRENCE BARCELLA, JR.  
Assistant United States Attorney

CAROL E. BRUCE  
Assistant United States Attorney

RICHARD C. OTTO  
Assistant United States Attorney

Washington, D. C.

September 8, 1982

INTRODUCTION

Comes now the United States, by and through its attorney, the United States Attorney for the District of Columbia, and respectfully responds to the myriad of motions filed by the defendant in the above-captioned case.

On April 23, 1980, the defendant was indicted by a federal grand jury on a multi-count indictment charging him with a variety of offenses arising out of his activities in and on behalf of the government of Libya. On August 6, 1981, a superseding indictment was returned by a federal grand jury, charging the defendant in ten of eleven counts with violating the Foreign Agents Registration Act (18 U.S.C. §951); conspiracy to transport explosives in foreign commerce with the intent to use unlawfully, to violate the Arms Export Control Act of 1976, and to unlawfully transport hazardous materials in foreign commerce (in violation of 18 U.S.C. §371); six substantive offenses arising out of the transportation and exportation of those hazardous materials in violation of 22 U.S.C. §2778(c), 49 U.S.C. §1809(b) and 18 U.S.C. §844(d)), as well as with solicitation and conspiracy to commit murder (in violation of 22 D.C. Code §§2401, 105, 105(a), 107 and 49 D.C. Code §301). A bench warrant for the defendant's arrest was issued on August 7, 1981. On June 15, 1982, the defendant was arrested by the United States Marshal's Service at the John F. Kennedy Airport in New York.

On August 6, 1982, the defendant filed approximately three dozen motions, demands and requests. In general upon a review of his various pleadings, we are reminded of the recent pronouncement of the Fourth Circuit in United States v. Computer Sciences Corporation, et al. Cr. No. 81-5053 4th Cir. cited June 16, 1982 at page 3 of the slip opinion:

Resourceful lawyers representing criminal defendants often desire to be thorough and to overlook nothing in their commendable zeal to afford first-class representation. Consequently in many cases they tend to excess as they inundate us with a plethora of arguments, some good and some not so good. Sometimes one wonders whether such lack of selectivity is not counterproductive, for a party raising a point of little merit exposes himself to the risk of excessive discount for a better point because of the company it keeps.

In spite of this approach by the defendant, we have attempted to respond to the general and often vague motions of the defendant with as much specificity as possible. At such time as the defendant makes a more particularized argument, we will respond, if necessary, appropriately.

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\*The Court will note that we do not respond to defendant's pleadings in precisely the same order as he presented the issues. We feel our order is more logical.

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I. THE FUGITIVE RECOVERY WAS ENTIRELY PROPER AND  
DOES NOT EVEN NECESSITATE A HEARING

A. Legal Foundation

The defendant challenges the jurisdiction of this court, claiming that the manner in which he came back into the United States, following two and one half years of fugitivity, was illegal. From his perspective, it is unfortunate that he must attempt to challenge one of the most long-standing and well-settled tenets of American jurisprudence. The law in the United States is, and for nearly one hundred years has been, that the court shall not inquire into the manner in which a defendant was brought before it. This doctrine, known as the Ker-Frisbie rule, emanates from two Supreme Court opinions. Ker v. Illinois, 119 U. S. 436 (1886) and Frisbie v. Collins, 342 U. S. 519 (1952). Since the inception of the rule, both the Supreme Court and virtually every Federal Circuit Court that has addressed the issue, no matter the factual context, has upheld the vitality of the doctrine. Since the facts of this case are virtually irrelevant to the resolution of the issue, we will deal with them shortly, initially outlining the concrete rule that defendant now challenges.

In Ker v. Illinois, supra, the defendant, Frederick Ker, was indicted in Illinois but, before the process of the court could be served upon him, fled to Lima, Peru. A warrant of extradition was signed by the governor of Illinois and an individual was dispatched to Peru to execute that warrant. Upon arriving in Peru, however, the agent did not present his warrant of extradition to Peruvian authorities. Rather, he caused Ker to be abducted and placed on a boat which, after circuitous passage, eventually ended up in San Francisco, California. Ker was then sent, at the request of the governor of Illinois, back to his ultimate trial and conviction in

Chicago. The Court held that despite the United States' having a valid extradition treaty with Peru, the fact that that treaty was circumvented did not in any way vitiate Ker's conviction. Further, the court stated that the defendant's kidnapping in a foreign country and forcible removal to the jurisdiction to where he was tried provided him with no relief. Over half a century later, in Frisbie v. Collins, 342 U. S. 519 (1952) the defendant complained that he was living in Chicago, Illinois when officers from the state of Michigan "forcibly seized, handcuffed, blackjacked and took him to Michigan." Id at 520. In affirming the defendant's conviction, the Court stated

this Court has never departed from the rule announced in Ker v. Illinois 119 U. S. 436, 444, that the power of a court to try a person for crime is not impaired by the fact that he had been brought within the court's jurisdiction by reason of a "forcible abduction." No persuasive reasons are now presented to justify overruling this line of cases. They rest on the sound basis that due process of law is satisfied when one present in court is convicted of crime after having been fairly apprised of the charges against him and after a fair trial in accordance with constitutional procedural safeguards. There is nothing in the Constitution that requires a court to permit a guilty person rightfully convicted to escape justice because he was brought to trial against his will. Id at 522. (Footnote omitted.)

Since this decision, we have found no case in which the conviction of a defendant was ultimately discarded or where the court voluntarily divested itself of jurisdiction as the result of a challenge based on the manner in which the defendant was brought to court. In fact, in only one case, United States v. Toscanino, 500 F.2d 267 (2nd Cir. 1974) has a court even questioned the Ker-Frisbie doctrine. Since then, as we will show, not only has the Supreme Court twice

strongly reaffirmed that the Ker-Frisbie doctrine, and not only has no Circuit followed the Second Circuit's Toscanino ruling, but the Second Circuit itself has substantially retreated from its pronouncements.

In Toscanino, the defendant claimed that he was lured to a deserted bowling alley in the city of Montevideo, Uruguay with his seven-months pregnant wife where he was knocked unconscious and abducted by seven armed men and driven to the Uruguayan-Brazilian border. There, by pre-arrangement and with the connivance of the United States government, he was met by a group of Brazilians and subsequently held incommunicado for seventeen days during which he was continually tortured and interrogated. He also alleged that federal drug agents participated in the interrogation and torture and that the United States Attorney's Office for the Eastern District of New York was aware of what was going on. The court went on the state the facts as follows:

[Toscanino's] captors denied him sleep and all forms of nourishment for days at a time. Nourishment was provided intravenously in a manner precisely equal to an amount necessary to keep him alive. Reminiscent of the horror stories told by our military men who returned from Korea and China, Toscanino was forced to walk up and down a hallway for seven or eight hours at a time. When he could no longer stand he was kicked and beaten but all in a manner contrived to punish without scarring. When he would not answer, his fingers were pinched with metal pliers. Alcohol was flushed into his eyes and nose and other fluids ...were forced up his anal passage. Incredibly, these agents of the United States government attached electrodes to Toscanino's earlobes, toes, and genitals. Jarring jolts of electricity were shot throughout his body, rendering him unconscious for indeterminate periods of time but again leaving no physical scars.

Finally, on or about January 25, 1973, Toscanino was brought to Rio de Janeiro where he was drugged by Brazilian-American agents and placed on Pan American Airways flight number 202 destined for the waiting arms of the United States government. On or about January 26, 1973, he awoke in the United States, was arrested on the aircraft and was brought immediately to Thomas Puccio, Assistant United States Attorney.

At no time during the government's seizure of Toscanino did it ever attempt to accomplish its goal through any lawful channel whatever. From start to finish the government unlawfully, willingly and deliberately embarked on a brazenly criminal scheme violating the laws of three separate countries. Id. at 270.

The United States neither affirmed nor denied these allegations and the trial court without holding a hearing refused to vacate the verdict. Faced with those facts, a panel of the Second Circuit determined that there had been some erosion of the Ker-Frisbie doctrine over the years and that, in this case alleging corruption, bribery, kidnapping, violence, brutality, deliberate misconduct, constitutional violations and international law violations, that due process would require "a court to divest itself of jurisdiction over the person of the defendant where it has been acquired as a result of the government's deliberate, unnecessary and unreasonable invasion of the accused's constitutional rights." Id. at 270. Less than a year later, the Second Circuit was again faced with a claim of abduction in United States ex rel Lujan v. Gengler, 510 F.2d 62 (2nd Cir.), cert. denied, 95 S. Ct. 2400 (1975). There, the defendant was lured from his Argentine sanctuary to fly an individual to Bolivia. Once in Bolivia he was taken into custody, held incommunicado for

five days and expelled to the United States. The trial judge dismissed Lujan's petition without a hearing. The Court of Appeals, in reviewing the case, stated that while

Ker and Frisbie no longer provide a carte blanche to government agents bringing defendants from abroad to the United States by the use of torture, brutality and similar outrageous conduct, we did not intend to suggest that any irregularity in the circumstances of a defendant's arrival in the jurisdiction would vitiate the proceedings of the criminal court. Id. at 65 [emphasis added.].

The court found that there were no allegations of torture, terror or interrogation, no violations of international law, and, in fact, no substantially different treatment accorded to the defendant than would have been the case in a normal extradition. The court stated that "...absent a set of incidents like that in Toscanino, not every violation by prosecution or police is so egregious that Rochin v. California, 342 U. S. 165 (1952)] and its progeny requires nullification of the indictment." Id. at 66.

In his concurring opinion, Circuit Judge Anderson, a member of the Toscanino panel, explained the Circuit's position:

After Toscanino was decided, however, a motion was made for a hearing in banc. A majority of the active members of the court voted to deny the petition for a hearing in banc. Three judges dissented. In so doing the majority obviously interpreted the decision in Toscanino as resting solely and exclusively on the use of torture and other cruel and inhuman treatment of Toscanino in effecting his kidnapping and it rejected the proposition that a kidnapping of a foreign national from his own or another nation and his forcible delivery into the United States against his will, but without torture, would itself violate due process. This interpretation of Toscanino has become the law of this Circuit. It has been similarly construed by another Circuit, United States v. Herrera 504 F.2d 859 (5th Cir. 1974).

I, therefore, concur in the opinion in the present case. Judge Kaufman has correctly, it seems to me, noted and applied the thrust of the action of the majority of this court in denying an in banc hearing in Toscanino, to the effect that whenever a foreign national is abducted or kidnapped from outside the United States and is forcibly brought into this country by United States agents by means of torture, brutality or similar physical abuse, the federal court acquires no jurisdiction over him because of a violation of due process. Otherwise the holdings of the Supreme Court in Ker v. Illinois, and Frisbie v. Collins, govern. Id. at 69 [citations omitted] [emphasis added]

A few months later, the Second Circuit withdrew even farther from its Toscanino opinion in United States v. Lira, 515 F.2d 68 (2nd Cir. 1975). There, the defendant alleged arrest by Chilean police officers who blindfolded, tortured and interrogated the defendant at various locations for nearly a month before he was turned over to United States agents and expelled to the United States. The court in Lira found that "essential to a holding that Toscanino applies is a finding that the gross mistreatment leading to the forcible abduction of the defendant was perpetrated by representatives of the United States government." Id. at 70. The court went on to say that even where allegations of torture could be substantiated, if such torture were at the hands of foreign police, not acting as agents of the United States, the United States would not be vicariously responsible and the jurisdiction of the court could not be challenged. Id. at 71.

Most recently, in United States v. Reed, 639 F.2d 896 (2nd Cir. 1981), the Second Circuit maintained its distance from Toscanino in a case where the defendant alleged that C.I.A. agents deceitfully enticed him onto a private airplane in Bimini, allegedly bound for Nassau, then flew him

to Florida. Reed alleged the agents made him lie on the floor at gunpoint and threatened to blow his brains out. The court found no violation of due process by the use of false pretenses, a revolver and threatening language. Id. at 902.

In addition to the Second Circuit's own retreat from Toscanino, the Supreme Court has twice since that decision reaffirmed the strength of its century-old position. See United States v. Crews, 445 U. S. 461, 474 (1980); Gerstein v. Pugh, 420 U. S. 103, 119 (1975). In both of these cases, the Supreme Court held that even when the initial arrest of a defendant was illegal, this would not be viewed as a bar to a subsequent prosecution nor a defense to a valid conviction.

Additionally, every federal circuit that has addressed this issue in the past decade has either rejected Toscanino or reject similar arguments. See, e.g. United States v. Marzano, 537 F.2d 257 (7th Cir. 1976); United States v. Winter, 509 F.2d 975, 987 (5th Cir. 1975), cert. denied 423 U. S. 825 (1976); United States v. Herrera, supra; United States v. Cotten, 471 F.2d 744, 747-49 (9th Cir. 1973), cert. denied 411 U. S. 936; Hobson v. Crouse, 332 F.2d 561 (10th Cir. 1964); see also Davis v. Mullar, 643 F.2d 521, 529 (8th Cir. 1981); United States v. Humphries, 636 F.2d 1172 1180 (9th Cir. 1980); United States v. Lopez, 542 F.2d 283, 284-85 (5th Cir. 1976); and United States v. Scios, 191 U.S. App. D.C. 254, 259-60 n.13, 590 F.2d 956, 961-62 n.13 (D.C. Cir. 1978).

As the court can clearly see, even taking the facts as presented by the defendant, he would have no right to a hearing on jurisdiction, let alone a viable challenge to the court's jurisdiction. Because a number of the facts presented

in the defendant's motion are in error, however, the court may find it helpful to have them set out in accurate fashion. Unlike Toscanino, distinguishable as it is, the United States did "...attempt to accomplish its goals through [every] lawful channel..." United States v. Toscanino, supra at 270.

B. Factual Foundation

The defendant was last known to be in the United States in late 1979. In response to the intensified grand jury effort then being directed towards him and his operation, Wilson consciously removed both himself and his operation from the United States and more firmly entrenched them in Europe and Libya. In anticipation of the upcoming indictment, the United States Attorney's Office began in late March 1980 to make efforts to secure Mr. Wilson's arrest and presence in the United States. During early April, 1980, both British and Swiss authorities made efforts on our behalf to locate Mr. Wilson. British authorities were unable to locate him and Swiss authorities indicated to us that he had left for Libya just shortly before their inquiries began. On April 23, 1980, the grand jury returned the indictment against Mr. Wilson and a bench warrant was issued for his arrest.<sup>1/</sup> From that time until Mr. Wilson's capture in June of 1981, the United States exhausted virtually all normal, and some unusual, means of securing his return to the United States. We should note for the defendant's benefit, that contrary to the twisted implication that he leaves in his pleadings, there of course is no alienable right to be a fugitive. To the complete contrary, a defendant has a total and absolute obligation to abide by court process; it is not the option of the defendant to determine the time, manner or means under which he will obey court orders.

Beginning with the indictment, the United States Attorney's Office stepped up its efforts to have Mr. Wilson brought before this court. Since Mr. Wilson had taken up

<sup>1/</sup>Documents, including telexes, recovered from Wilson associates clearly indicate that Wilson was immediately aware of his indictment.

permanent residence in Libya, we were foreclosed from utilizing the normal channel for the return of a fugitive from a foreign country. The United States shares no extradition treaty with the government of Libya and, in light of the fractured relations between the two countries,<sup>2/</sup> we were in no position to ask, nor were they of, a mind to accede to a request, for Wilson's return. In spite of that rather obvious impediment, the United States Attorney's Office was aware that Wilson would occasionally venture out of his Libyan sanctuary for quick visits to other countries. For that reason, we contacted Interpol, the international police organization, seeking and receiving their cooperation in obtaining an Interpol "red notice." That is, Interpol sent a notice to all its many member countries requesting Wilson's apprehension if he were found to be in that country.

The United States was not satisfied, however, with its inability to obtain him diplomatically from Libya, nor with hoping that an Interpol member nation would find Wilson within their confines. In August of 1980, the United States Attorney's Office received information that Wilson would be traveling to Malta in mid-August. Through the United States Department of State and the FBI Regional Legal Attache, the United States Attorney's Office notified the government of Malta that Wilson was believed to be on his way to Malta and if found there we would request his arrest and extradition.

2/In December, 1979, the U. S. Embassy in Tripoli was stormed and looted with no internationally mandated protection provided by the Libyan government. As a result, the Embassy staff was reduced to only a few Foreign Service Officers. In May, 1980 the Embassy was formally closed and all personnel withdrawn. In May, 1981, the Libyan Embassy here was ordered closed because of that country's involvement in, and refusal to cease, terrorist assassinations. Since then, the two countries have communicated, if at all, through third countries.

or expulsion. In fact, Wilson was arrested pursuant to our request in Malta on August 18, 1980 and held for extradition. During the ensuing days, the United States Attorney's Office made substantial efforts to gather together the appropriate evidence and documentation to secure Wilson's extradition from Malta. These efforts proved to no avail, however, when the government of Malta, without any notification whatsoever, placed Wilson on a midnight flight to London in late August. The United States Attorney's Office learned the next morning from Scotland Yard authorities that Wilson had entered the United Kingdom. Scotland Yard immediately launched an intensive manhunt for Wilson. Wilson had lied on his immigration form as to where he would be staying in London and the United States subsequently learned that he hid in the United Kingdom, ultimately leasing, then purchasing, a small aircraft to fly him back to his Libyan haven.

Since we were unable to secure his appearance in the United States either voluntarily or through diplomatic means, the United States Attorney's Office took the somewhat unusual step of agreeing to a request from Edwin Wilson that we meet with him at a neutral location. Beginning in the early Spring of 1981, the United States Attorney's Office began negotiating with Wilson's attorney to accomplish such a meeting. As the June 5, 1981 letter<sup>3/</sup> clearly indicates, the United States, while skeptical of the results of such a meeting, agreed that it "might break the stalemate" that existed as a result of Wilson's fugitivity. Representatives of the United States ultimately met with Wilson during early July in Rome, Italy.

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3/See attachment A.

As our letter of July 23, 1981 to Wilson's attorney clearly indicates, the results of that meeting were less than fruitful. While we indicated we were willing to maintain a dialogue, we stated that "our efforts to apprehend Mr. Wilson under circumstances of our choosing will not slacken and at this juncture we will make every effort to continue to restrict his travel and to apprehend him and bring him to trial."<sup>4/</sup>

Within a few days of sending that letter to Wilson's counsel, Assistant United States Attorneys E. Lawrence Barcella, Jr., and Carol E. Bruce were introduced to Ernest Keiser. Mr. Keiser indicated that he had casually met Mr. Wilson some years earlier and strongly felt that he would be able to assist the United States in apprehending Mr. Wilson. AUSA Barcella later indicated to Mr. Keiser that we would accept his assistance.

During the month of August 1981, Mr. Wilson granted interviews to both Newsweek magazine and ABC News. In both interviews he indicated that he had no intention of returning to the United States until he was ready - that he would do so "when the heat settles down a little bit." August 25, 1981 ABC News interview.

In late September 1981, the United States Attorney's Office was advised by Mr. Keiser that he was sending an associate of his, Dan Drake, to Libya to talk with Mr. Wilson. Drake did subsequently go to Libya in early October and met with Wilson and some of Wilson's associates. During the next

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<sup>4/</sup>In light of the fact that the July 23, 1981 letter undercuts and completely disposes of a number of issues raised by the defendant, we find it neither coincidental or accidental that he neglected to acknowledge its existence in his pleadings.

two months, Mr. Keiser had a number of telephone conversations with Mr. Wilson. Mr. Keiser advised us that he had indicated to Mr. Wilson that he, Keiser, had certain connections with the National Security Council which might prove to be of some assistance to Mr. Wilson. Assistant United States Attorneys Barcella, Bruce, and later Assistant United States Attorney <sup>5/</sup> Richard C. Otto, indicated to Mr. Keiser that we did not wish him to utilize the aegis of the National Security Council in his dealings with Wilson.

Finally, on December 27, 1981, Mr. Keiser, at Wilson's request, traveled to London, where he met with Diana Byrne and John Heath, both employees of Wilson's. Mr. Keiser indicated to these two individuals that he could provide a sanctuary for Mr. Wilson in a Caribbean or South American country, probably the Dominican Republic. During this late December trip, Keiser also spoke with Wilson from London via telephone on a number of occasions. When Mr. Keiser indicated that Wilson would need visas to enter whatever country of sanctuary was chosen, Miss Byrne and Mr. Heath produced three passports and turned them over to Mr. Keiser. The passports were an expired United States passport under the name of Edwin P. Wilson. This passport had been stamped cancelled by the U. S. Embassy in Rome at our request immediately after the July, 1981 Rome meeting. An Irish passport in the name of Phillip McCormack was also turned over. This passport contained a previously obtained visa to

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<sup>5/</sup>Following her initial meeting with Mr. Keiser, Assistant United States Attorney Bruce through a combination of maternity leave and other assignments, had very little contact with the recovery operation. Thus, defendant's demand for her recusal is factually, as well as legally, inaccurate. See pp. 21-22, infra.

enter the United States - the visa having been obtained at the United States Embassy in London on December 22, 1981. Wilson's associates also turned over a Maltese passport in the name of Giovanni Zammit. The stamps, or cachets, in the Maltese passport indicated that Wilson had used that document to travel illegally in 1981. Mr. Keiser returned to the United States on December 31, 1981 and turned these passports over to Assistant United States Attorney Barcella.

In early January 1982, Mr. Keiser was authorized by the United States to travel to Libya and meet with Mr. Wilson. For operational reasons, it was, of course, necessary for Mr. Keiser to bring the fraudulent passports of Mr. Wilson's with him. Mr. Keiser turned these over to Mr. Heath in Zurich, Switzerland and proceeded with Mr. Heath to Tripoli, Libya where he spent a number of days with Mr. Wilson. Wilson indicated to Keiser that he wished to leave Libya because of increasing pressure in that country, that he was in the process of negotiating with another African country for residence,<sup>6</sup> but that he would prefer to travel with Mr. Keiser. Wilson indicated that he would like to "set up shop" in another country and possibly meet with representatives of the National Security Council in that country.

Upon Mr. Keiser's return, AUSA's Otto and Barcella indicated to Mr. Keiser that the National Security Council had no desire to meet with Mr. Wilson and that we did not want him to pursue that line. Mr. Keiser was told that any dealings that Mr. Wilson wished to have with the United States Government would have to be through the United States Depart-

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<sup>6</sup>This was confirmed by Wilson's associates and later the United States received confirmation from that African country.

ment of Justice and that Mr. Keiser's "contact" would be Deputy Assistant Attorney General Mark M. Richard. Thus, from Mr. Wilson's perspective, and at his direction, Mr. Keiser was acting on his (Wilson's) behalf to intercede with the Department of Justice. With respect to a potential meeting with Wilson, Mr. Richard indicated in an extremely brief letter (See attachment B.) that such a meeting could not take place while Wilson remained in Libya. The letter did not say (as alleged in page 22 of Defendant's Motion) that it was perfectly safe for Wilson to travel outside of Libya. Evidently, Wilson did not wish to travel outside of Libya at that time and directed Keiser to approach Assistant United States Attorney Barcella directly for the purpose of setting up a meeting between Wilson and Barcella. At the same time, Wilson's attorney approached Assistant United States Attorney Barcella and confirmed that Wilson was, in fact, desirous of setting up another meeting with representatives of the United States Attorney's Office.

In light of our unsatisfying experience in Rome, the United States Attorney's Office asked for several assurances from Wilson prior to a meeting taking place. The United States also began to inquire of a number of foreign countries whether they would be willing to host such a meeting. From the end of February through the end of May, the United States either formally or informally inquired of over a half a dozen nations and requested permission for such a meeting to take place in their jurisdiction. In light of the defendant's notoriety and the position of Libya in the world community, it may not be surprising that every country contacted by the United States declined to host a meeting. It was in anticipation that one of those countries, Turkey, would agree to

such a meeting that the April 26, 1982 letter to Wilson's attorney (Attachment E in the Defendant's Motion) was written. The letter made clear that any proposed travel in connection with such a meeting should not take place until the exact terms were confirmed in writing by the Assistant United States Attorneys.

In early June, the United States Attorney's Office again advised Mr. Keiser that, merely for appearance reasons, we did not wish the National Security Council to be used as an excuse for such a meeting, and on June 4, 1982, Mr. Keiser specifically advised Mr. Wilson that the National Security Council option was not viable. Mr. Keiser also advised Mr. Wilson during this period of time that the Department of Justice was still unable to find a country that would be willing to host a meeting and suggested that the two of them proceed to a sanctuary for Mr. Wilson in the Dominican Republic. The United States Attorney's Office was then informed through Mr. Keiser that Mr. Wilson had acceded to the latter suggestion and would be willing to meet Mr. Keiser in Zurich, Switzerland and to proceed thereon to the Dominican Republic. In fact, Mr. Wilson requested Mr. Keiser to purchase airline tickets for Mr. Wilson, under the name Phillip McCormack, from Zurich through Madrid, Spain to the Dominican Republic. Mr. Keiser did so. Mr. Keiser arrived in Zurich,  
<sup>7/</sup> Switzerland, as did Roberta Barnes and Diana Byrne. Mr. Wilson and his associates then spent the next twenty-six\*

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<sup>7/</sup>In his pleading, council constantly refers to "Barbara Barnes." We assume he's referring to Wilson's lady friend and business associate, Roberta J. Barnes and not Mr. Wilson's ex-wife Barbara Wilson.

hours in the international transit lounge at the Zurich airport. Wilson then voluntarily boarded a plane to Madrid in the company of Mr. Keiser and an official of the United States Marshal's Service acting in an undercover capacity, Philip Tucker. Wilson accompanied Keiser and Tucker to Madrid and from there to the Dominican Republic. Mr. Wilson attempted to enter the Dominican Republic on the fraudulent Phillip McCormack passport and was subsequently placed on a flight to New York where he was arrested upon arrival at Kennedy Airport.

After Mr. Wilson was in custody in the United States, the United States Attorney's Office learned for the first time that Mr. Keiser, in his understandable zeal to assist us in recovering the fugitive Wilson, had made up on his own initiative and without our knowledge a letter purporting to be from the National Security Council and had shown it to Wilson and some of his associates in the airport in Zurich, Switzerland. While we would have preferred

8/The defendant erroneously notes that "arrangements were made for cots to be installed in the transit lounge so that Edwin Wilson could sleep there. Edwin Wilson was locked in the transit lounge from 11 p.m. to 6 a.m. on June 14, 1982. Upon information and belief, this action of locking him in the transit lounge was done with the cooperation of the United States Government." In fact, when Mr. Wilson was informed that there were sleeping facilities in the nursery area of the international lounge, he and a female companion availed themselves of the opportunity to utilize the sleeping facility together. The Swiss Airport authorities have advised us that, in an effort to ensure the tranquility of the people in the nursery, it is routinely locked in the middle of the night. This hardly sounds like the torturous treatment Toscanino complained of.

9/For a fuller explanation of this episode, see the search and seizure portion of these pleadings at pp. 56-60, infra.

10/Since the letter is wholly irrelevant in light of the case law, it matters only from a curiosity standpoint that Mr. Keiser and Mr. Wilson dispute some portions of its alleged content. The letter was destroyed in Zurich.

that Mr. Keiser follow the instructions we had given him with regard to eliminating discussions of the National Security Council, it was, as mentioned, only because the United States Department of Justice was seeking to abide by a legally unnecessary, self-imposed code of conduct that after two and one half years of flaunting the process of this court the defendant Wilson would have found laughable.

Contrary to the assertions made in the defendant's motion (Points and Authorities, p. 9) Mr. Wilson was never told, nor was it ever the case, that there was any contemplation with regard to dismissal of the indictment. Further, he has attempted to merge negotiations with regard to a possible meeting with representatives of the Department of Justice in Europe with his flight to the Dominican Republic. They are separate and distinct. Under all the circumstances, whether those alleged by the defendant or those as they actually occurred, the defendant has not demonstrated any justification whatsoever for the court to even hold a hearing into the matter, let alone divest itself of jurisdiction over his person.

II. OPPOSITION TO DEFENDANT WILSON'S  
MOTION TO DISMISS THE INDICTMENT BASED UPON  
A QUALIFIED GRANT OF IMMUNITY TO EDWIN P. WILSON

The United States of America respectfully opposes defendant's motion to dismiss the indictment based upon a qualified grant of immunity to Edwin P. Wilson and gives as its reasons the following:

The defendant asserts that, when the indictment was returned, he was in "the midst of . . . negotiations", (Defendant's pleading, page 34) with the government after having received the government's letter of June 5, 1981 and after having met with government representatives in Rome in July of 1981. He further asserts that the qualified grant of immunity he was given in the government's June 5th letter amounted to an "unambiguous agreement" in which "it was understood that Mr. Wilson would not be indicted based upon what he told the prosecution or any leads developed from what he said during the period of time that a disposition of the case was being negotiated." (Defendant's pleading, pages 32-33).

First, defendant's assertions are baseless and incorrect on their face. As the June 5th letter clearly states, the government promised the defendant only that they would not use the defendant's statements directly against him but that, absent a negotiated settlement of the case, we would use against him evidence gathered from leads developed as a result of his statements to us. Never was he given immunity from prosecution.

Second, the government and the defense were not "in the midst of negotiations" as he would have the court believe after the Rome meeting. Curiously, the defendant fails to

attach to his pleadings a July 23, 1981 letter <sup>11/</sup> wherein the government advised counsel for the defendant, inter alia, that although we were "less than pleased" about the defendant's lack of candor at the Rome meeting and that

While we are willing, of course, to maintain a dialogue through you, please understand that our efforts to apprehend Mr. Wilson under circumstances of our choosing will not slacken and at this juncture we will make every effort to continue to restrict his travel and to apprehend him and bring him to trial.

Government's Letter of July 23, 1981, page 3.

That letter makes it clear and unequivocal that the government's investigation, prosecution, and pursuit of Edwin P. Wilson was <sup>12/</sup> still on track after the Rome meeting. Accordingly, the superseding indictment, then, was a natural consequence of the ongoing investigation and was not barred by any qualified grant of immunity or plea bargain.

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11/ Attached hereto as Exhibit No. C.

12/ In our earlier June 5th letter, we had also made it clear that we did not intend to stop the investigation or prosecution of Edwin Wilson simply because of his stated interest in meeting and negotiating with us in Rome. Defendant fails to mention this fact in his pleading.

You must appreciate the fact that for obvious reasons we simply cannot agree to grant your client any more protections than what we have outlined here. As I have indicated to you previously, we have a number of other potential charges against Mr. Wilson and we will not decline to fully pursue them simply because of this meeting. You should also understand that the degree of Mr. Wilson's candor will most certainly be a significant factor in any future decision to negotiate with him.

Page 3 of June 5, 1981 letter.

.. III. THERE IS NO BASIS FOR A DISQUALIFICATION OF  
GOVERNMENT COUNSEL IN THIS CASE

The United States of America respectfully opposes defendant's Motion to Disqualify Government Counsel, E. Lawrence Barcella, Jr. and Carol E. Bruce and gives as its reasons the following:

Defendant gives as his reasons for the disqualification of the two prosecutors in question that he intends to call them as witnesses with respect to two matters: (1) Edwin Wilson's statements at a July, 1981 meeting in Rome and (2) circumstances surrounding the method by which Mr. Wilson was involuntarily returned to the United States.

The law is well-settled that courts are extremely reluctant to allow lawyers, including prosecutors, to be called as witnesses in cases wherein they are advocates. See Gajewski v. United States, 321 F.2d 261, 268-269 (8th Cir. 1963), cert. denied, 376 U.S. 968 (1964). While the court may, in its discretion, allow the defendant to call as a witness the prosecuting attorney trying the case, Id., see also United States v. Fiorello, 376 F.2d 180, 185 (2d Cir. 1967), Fisher v. United States, 231 F.2d 99, 104 (9th Cir. 1956), the defense must first demonstrate that such a course of action is "unavoidably necessary". United States v. Torres, 503 F.2d 1120, 1126 (2d Cir. 1974) in that the testimony sought cannot be obtained from other sources. See United States v. Crockett, 506 F.2d 759 (5th Cir. 1975), cert. denied, 423 U.S. 824; United States v. Fiorello, supra; United States v. Alu, 246 F.2d 29 (2d Cir. 1957).

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<sup>13/</sup> We, of course, recognize that the A.B.A.'s Code of Professional Responsibility applies with equal force to prosecutors as to private practitioners. See Canon 5 and DR 5-102; United States v. Alu, supra.

The defendant cannot manufacture a reason to call a prosecutor as a witness in order to rid himself of that prosecutor as an advocate in his case. With respect to the Rome meeting, present were the two prosecutors -- Mr. Barcella and Ms. Bruce, two federal law enforcement agents who were the case agents for their respective bureaus in this investigation -- Special Agent Richard Pedersen from the Bureau of Alcohol, Tobacco and Firearms, and Special Agent William Hart from the Federal Bureau of Investigation, the assistant legal attache (FBI) from the U.S. Embassy in Rome -- Leone Flossi, and counsel for the defendant, John Keats, Esquire. Obviously, any one of the three law enforcement officials could be called as witnesses on matters pertaining to the Rome meeting and any <sup>14/</sup> statements made by Edwin P. Wilson there.

With respect to the so-called Toscanino <sup>15/</sup> issue it is the government's position as set forth in response to defendant's claim that the "United States Government does not have jurisdiction over Edwin P. Wilson" (see pp. 1-18, supra), that the defendant has not stated sufficient facts or arguments to warrant a hearing on this issue. Therefore, no testimony, let alone the testimony of the prosecutors, should be elicited <sup>16/</sup> on this issue. Further, jurisdiction is never a jury issue so any testimony in this matter would be taken before the court itself.

For the above-stated reasons we respectfully submit that defendant's motion to disqualify the prosecutors should be denied.

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14/ By defendant's own admission, his oral statements in Rome, were principally self-serving declarations. As such they are inadmissible as direct evidence.

15/ United States v. Toscanino, 500 F.2d 267 (2d Cir. 1974).

16/ Assistant United States Attorney Bruce notes that while she is flattered that defendant includes her as one who was principally responsible for his being returned to this country for trial she must disabuse him of that notion, as she was on maternity leave from December 1, 1981 until late March, 1982 and was only peripherally involved in the recovery effort before and after that period.

IV. THE STATUTES CHARGED IN THE  
INDICTMENT ARE CONSTITUTIONAL

The defendant has made a broad-based attack on the constitutionality of the statutes charged in the indictment without the support of a single case which pertains to any of the statutes charged (See defendant's motions at 42-45; defendant's points and authorities at 14.).

In United States v. Truong Dinh Hung, 629 F.2d 908 (4th Cir.), cert. denied, 102 S.Ct. 1004 (1980), the Fourth Circuit upheld the constitutionality of 18 U.S.C. 951. Contrary to defendant Wilson's contentions, the court held that the registration requirement embodied in §951 does not offend the Fifth Amendment and that the term "agent," as used in the statute, is a readily understandable term which provides adequate notice of the conduct proscribed by the statute. 629 F.2d at 919-920.

The defendant's allegation that 18 U.S.C. 844(d) is vague and ambiguous ignores the clear language of the statute. The §844(d) offense has three elements:

- (1) the transportation or receipt in interstate or foreign commerce;
- (2) of any explosive;
- (3) with the knowledge or intent that it will be used to kill, injure or intimidate any individual or unlawfully to damage any building, vehicle or other real or personal property.

United States v. Carlson, 561 F.2d 105 (1st Cir.), cert. denied, 434 U. S. 973 (1977). Thus, contrary to defendant's contention, it is clear that, in order to constitute the offense, the defendant must have the requisite knowledge or intent at the time the explosives are transported.

The defendant challenges the constitutionality of 22 U.S.C. 2778(c) and 49 U.S.C. 1809 on the ground that they are "unlawful delegations of authority to a non-legislative authority." Defendant ignores the well-established rule of law that Congress may constitutionally provide a criminal sanction for the violation of regulations which it has empowered the President or any agency to promulgate. United States v. Grimaud, 220 U.S. 506 (1911); United States v. Gurrola-Garcia, 547 F.2d 1075 (9th Cir. 1976); United States v. Stone, 452 F.2d 42 (8th Cir. 1971); Samora v. United States, 406 F.2d 1095 (5th Cir. 1969).

The predecessor statute to 22 U.S.C. 2778 and the regulations issued thereunder supply a sufficiently narrow definition of the goods and services covered by the law and provide adequate notice of the licensing requirement for exportation. United States v. Swarovski, 592 F.2d 131 (2nd Cir. 1979); United States v. Edler Industries, Inc., 579 F.2d 516 (9th Cir. 1978). See United States v. Wieschenberg, 604 F.2d 326, 331 note 6 (5th Cir. 1979) (references to the former §1934 are deemed references to §2778). As the Second Circuit noted in Swarovski, the argument that the regulations are unconstitutionally vague comes "with little grace" from a "sophisticated" person, such as defendant Wilson, who directed a multi-national business, which included procurement and shipping companies. 592 F.2d at 132-133.

Similarly, the Hazardous Materials Transportation Act, 49 U.S.C. 1801 et seq., Congress delegated to the Secretary of the Transportation the power to issue regulations governing the transport of "hazardous materials," a term which is defined by the statute. 49 U.S.C. 1802(2); 49 U.S.C. 1803; 49 U.S.C. 1804. In language which tracks the language

of the criminal penalty provision of the Arms Export Control Act (22 U.S.C. 2778(c)), Congress imposed a criminal penalty on any person who "willfully violates" any provision of the Hazardous Materials Transportation Act or "any regulation issued under" the statute. See 49 U.S.C. 1809(b) and 22 U.S.C. 2778(c). The regulations provide a list of materials which are "hazardous materials" and provide the conditions for their transportation. 49 C.F.R. 172.101. Thus, 49 U.S.C. 1809(b) provides adequate notice of what conduct is proscribed by the statute.

Defendant's complaint that 49 U.S.C. 1809(b) "does not repeat" the language contained in §1809(a)(1) and (2) is inapposite. Section 1809 sets forth separate civil (1809(a)) and criminal (1809(b)) penalties for violations of the Act or the regulations. The elements of the criminal offense, including the requisite mens rea, are adequately set out in §1809(b) and are not , in any way, dependent on the civil penalty provision of subsection (a). See United States v. Allied Chemical Corp., 431 F. Supp. 361 (W.D.N.Y. 1977).

By its express terms, Title 22, §105(a) of the D.C. Code addresses offenses which occurred within the District of Columbia. Section (c) of the statute recognizes there may be cases where a conspiracy "contrived within the District of Columbia" (emphasis added) has, as its object, conduct outside of the District of Columbia. The gravamen of the offense in 22-105(a) is the conspiracy, which by the plain terms of the statute must be contrived within the jurisdiction. A conspiracy to commit an offense is a crime itself, separate from the actual commission of the crime which is the object of the conspiracy. See United States v. Mitchell, 397 F. Supp. 166, affirmed United States v. Haldeman, 559 F.2d 31, 181 U.S.

App. D. C. 254, cert. denied, Erlichman v. United States, 432 U. S. 933 (1974); United States v. Bachman, 164 F. Supp. 898 (D. D. C. 1958).

It is not unconstitutional for a state or the District of Columbia to impose sanctions for an offense which was only partly committed within the jurisdiction. The District of Columbia has an obvious and substantial interest in policing any unlawful activity within the jurisdiction. The breadth of the law of conspiracy derives from the supposed danger of secret combinations to commit crimes, see United States v. Conlon, 481 F. Supp. 654 (D. D. C. 1979), and the design of conspiracy statutes recognizes that concerted action makes crimes easier to perpetrate and harder to detect. See Woods v. United States, 240 F. 2d 37, 9 U. S. App. D. C. 351, cert. denied, 353 U. S. 941 (1957). Significant portions of the criminal activity alleged in the indictment as violations of Title 22, §§105 and 107, and Title 49, §301 occurred within the District of Columbia. Defendant's challenge to their constitutionality flies in the face of years of precedent of successful prosecutions under these statutes.

The long history of these statutes of their common-law precedents also contraverts defendant's assertion of vagueness. These offenses were well-known at common law, and their terms have reasonably well-defined and settled meanings that are known to potential defendants and the courts. Cf. United States v. Conlon, supra, at 662. The statutory language, when measured by general understanding, gives fair notice of prohibited conduct to a person of ordinary intelligence. Id.; see also United States v. Maude, 481 F.2d 1062, 156 U. S. App. D. C. 378 (D. C. Cir. 1973). The conspiracy

statute in particular is saved from vagueness by the requirements that specific intent, as well as overt acts, be alleged and proved. See United States v. Conlon, supra. The indictment has provided substantial detail about the circumstances of the conspiracy in this case, and the particular allegations contained in the overt acts have helped to put defendant on notice of the charges against him. See United States v. Haldeman, supra, at 997.

V. THIS IS NOT A CASE OF SELECTIVE PROSECUTION

The defendant moves to dismiss the indictment on the basis of the argument of selective prosecution. Without identifying a single firm, specifying even one transaction, or offering any legal authority for his claim, defendant offers the wholly unsupported contention that his indictment constitutes an unconstitutionally selective prosecution "because "throughout the United States firms are supplying arms and explosives to other nations with the Government's knowledge and approval under circumstances identical to those charged in this indictment" (Defendant's Motion, <sup>17/</sup> p. 46<sup>18/</sup>). Even if defendant could establish as a matter of fact that he has been prosecuted where other firms which have violated federal explosives laws have not, the mere fact of treatment by the Government different from that of others similarly situated would not, without more, be sufficient to validate his constitutional claim. "Mere failure to prosecute other offenders is no basis for a finding of a denial of equal protection." Moss v. Horning, 314 F.2d 89, 93 (2nd Cir. 1963). What is "generally required to establish a claim of selective enforcement of a law" [is a showing] "that there was intentional or purposeful discrimination" in its enforcement. Tollett v. Laman, 497 F.2d 1231, 1233 (8th Cir. 1974). Since defendant cannot make the required showing, his motion to dismiss the indictment as an unconstitutionally selective prosecution should

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17/Perhaps it was defendant's intellectual concern for the issue of selective prosecution that led him to anonymously inform one of his competitors (See defendant's bail application, pp. 19, 29).

18/In making this argument, Wilson apparently concedes that the arms transactions described in the indictment did in fact take place but seeks to challenge the constitutionality of the United States' allegedly singling him out from among a number of firms which behaved similarly.

be denied. See Oyler v. Boles, 368 U. S. 448 (1962); Snowden v. Hughes, 321 U. S. 1 (1944); Busch v. Burkee, 649 F.2d 509 (7th Cir. 1981), cert. denied, 102 S. Ct. 396 (1981); United States v. Blitstein, 626 F.2d 774 (10th Cir.), cert. denied, 449 U. S. 1102 (1981); United States v. Neary, 552 F.2d 1184 (7th Cir.), cert. denied, 434 U. S. 864 (1977).

VI. VENUE IN THE DISTRICT OF COLUMBIA  
IS PROPER

Defendant contends that venue, as to the last nine counts of the indictment, is misplaced in the District of Columbia<sup>19/</sup> because defendant "did not commit any of the acts constituting material elements of the crime charged in the indictment in the District of Columbia" (Defendant's Points and Authorities, p. 18). Defendant's contention disregards the clear terms of the statute which governs venue in conspiracy prosecutions and misunderstands completely the cases which have interpreted that statute.

18 U.S.C. §3237(a) provides:

- (a) Except as otherwise expressly provided by enactment of Congress, any offense against the United States begun in one district and completed in another, or committed in more than one district, may be inquired of and prosecuted in any district in which such offense was begun, continued, or completed.

Any offense involving the use of the mail, or transportation in interstate or foreign commerce, is a continuing offense and, except as otherwise expressly provided by enactment of Congress, may be inquired of and prosecuted in any district from, through, or into which such commerce or mail matter moves.

Within the context of a prosecution for criminal conspiracy, courts have consistently interpreted Section 3237 to mean that commission within a district of any overt act in furtherance of the conspiracy is sufficient to support venue for prosecution of the conspiracy in that district. In United States v. Overshon, 494 F.2d 894 (8th Cir.), cert. denied 419 U. S. 853 (1974), for instance, the Eighth Circuit commented that

<sup>19/</sup>Defendant apparently concedes the propriety of venue in the District of Columbia as to the first count of the indictment. He is not charged in the second count.

it is well settled law that venue as to prosecution of all members of a conspiracy lies either in the jurisdiction in which the conspiratorial agreement was formed or in any jurisdiction in which an overt act in furtherance of the conspiracy was committed by any of the conspirators.

<sup>20/</sup> Id. at 900 [citations omitted]. See also United States v. Petersen, 611 F.2d 1313, 1333 (10th Cir.), cert. denied 447 U.S. 905 (1980); United States v. Craig, 573 F.2d 513, 517 (7th Cir.), cert. denied 439 U.S. 820 (1978); United States v. Guy, 456 F.2d 1157 (8th Cir.), cert. denied, 409 U.S. 896 (1972); United States v. Phillips, 433 F.2d 1364 (8th Cir.), cert. denied 401 U.S. 917 (1970).

Under the statute and the cases which have interpreted it what is significant, therefore, for purposes of venue, is not whether any material element of an offense charged in the indictment was, as defendant contends, committed by him in the indicting district, but rather whether any overt act was committed by any conspirator within the indicting district.

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<sup>20/</sup>In Hyde v. United States, 225 U.S. 347 (1912), the Supreme Court, ruling for the first time on the question which defendant raises here, explained that any other resolution would produce an intolerable result. If a conspiracy, the Court reasoned, could only be prosecuted in the district where all of its material elements had been committed, then some conspiracies might never be prosecuted at all. The Court specifically rejected this result and defendant's argument which leads to it. 225 U. S. at 463.

The nine counts of the indictment as to which defendant challenges venue allege two different but related conspiracies and groups of connected crimes. Counts three through nine charge the defendant and others with conspiracy to violate United States laws regulating the shipment of explosives and other munitions and with violations of those statutes; counts ten and eleven charge the defendant with conspiracy to commit murder. Of the thirty-nine overt acts which the indictment alleges to have been committed in furtherance of the conspiracy to ship explosives, fourteen occurred in the District of Columbia and all but two were committed by the defendant himself. One of the six overt acts which the indictment alleges to have been committed in furtherance of the conspiracy to commit murder occurred in the District of Columbia and was committed by the defendant. Since venue is proper "in any jurisdiction in which an overt act in furtherance of the conspiracy was committed by any of the conspirators," United States v. Overton, supra at 900, venue is obviously proper in the District of Columbia, where overt acts in furtherance of both conspiracies alleged in the indictment were committed by the defendant himself.

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<sup>21</sup>/The charges in the indictment arise from defendant Wilson's involvement over a period of years in providing the government of Libya with a variety of goods and services for commercial gain. Counts three through nine charge defendant Wilson and others with conspiring to ship to Libya and with shipping to Libya quantities of explosives and timing devices for use in a Libya terrorist training school near Benghazi. Counts ten and eleven charge the defendant and Frank E. Terpil with attempting to recruit individuals to assassinate Umar Muhamayshi, a Libyan dissident, for a fee of one million dollars.

VII. RESPONSE TO DEFENDANT WILSON'S MOTION TO  
DISMISS INDICTMENT BASED ON POSSIBLE PROCEDURAL DUE  
PROCESS VIOLATIONS IN OBTAINING SUPERSEDING INDICTMENT

In his motion based on possible "procedural due process violations" in the manner in which the superseding indictment was returned, the defendant requests the disclosure of four different items of information. The requests are as follows:

1. State whether the same grand jurors that returned the first indictment returned the superseding indictment.
2. If that be so, state in what manner the evidence was reviewed or reconsidered by the grand jurors that returned the superseding indictment.
3. If a different grand jury returned the superseding indictment, state, in detail, in what manner the evidence presented to the first grand jury was resubmitted to the second grand jury.
4. Furnish any and all other details relevant to the return of the superseding indictment.

With respect to the first request for information we can state that the grand jury that returned the original indictment has been empanelled on October 1, 1979 and served for eighteen (18) months pursuant to Rule 6(g) of the Federal Rules of Criminal Procedure. The grand jury that returned the superseding indictment was empanelled on August 25, 1980 and likewise served for eighteen (18) months.

We decline to respond to the remaining three requests for information and incorporate by reference as our reasons the arguments made in our response to defendant Wilson's "Grand Jury Due Process" Motion.

For the above-stated reasons we respectfully submit that the defendant's motion to dismiss the indictment should be denied.

VIII. THE COUNTS IN THE INDICTMENT ARE PROPERLY  
JOINED AND SEVERANCE IS NOT WARRANTED.

Defendant's opening salvo in his shotgun approach to motions is an attack on the joinder of the counts in the indictment. Like those motions that follow, his argument that severance is necessary falls far short of the mark. The requirements of Rule 8(a) of the Federal Rules of Criminal Procedure (Joinder), the circumstances which would necessitate relief under Rule 14 of the Federal Rules of Criminal Procedure (Severance) and the counts and circumstances of the instant indictment clearly demonstrate that the joinder of offenses against the defendant was entirely proper and that no severance is called for.

Rule 8 of the Federal Rules of Criminal Procedure establishes the requirements for joinder of offenses or defendants in the same indictment. The objective of the rule is to balance any prejudice inherent in a joint trial against the benefit of judicial economy obtained by trying multiple offenses of defendants in a single trial. See, e.g. United States v. Turkett, 632 F.2d 896, 906 (1st Cir. 1980), rev'd on other grounds, 101 S. Ct. 2524, aff'd convictions on rehearing, No. 79-1545 (1st Cir. 1981). Since one of the indicted defendants, Douglas M. Schlachter, Sr., has pleaded guilty and the other, Francis E. Terpil, has not yet been apprehended, Rule 8(a) (Joinder of Offenses) rather than Rule 8(b) (Joinder of Defendants), applies to the instant case. Under Rule 8(a) the prosecutor may join multiple offenses under the same indictment if the offenses meet any, one of three tests:

- (1) Are they of the same or similar character,
- (2) Are they based on the same act or transaction, or,

(3) Are they based on two or more transactions connected together or constituting parts of a common scheme.

Fed.R.Crim.P.8(a); see, e.g. United States v. Kenny, 645 F.2d 1323, 1344 (9th Cir. 1981); United States v. Anderson, 642 F.2d 2081, 2084 (9th Cir.), cert. denied, 50 U.S.L.W. 3275 (1981); United States v. Harris, 635 F.2d 526, 527 (6th Cir. 1980), cert. denied, 50 U.S.L.W. 3245 (1981); United States v. Duzac, 622 F.2d 911, 913 (5th Cir.), cert. denied, 402 U.S. 1012 (1980); Jervis v. Hall, 622 F. 2d 19, 20-21 (1st Cir. 1980); United States v. Gorham, 173 U. S. App. D. C. 150, 523 F.2d 1088 (D. C. Cir. 1975). Further, courts prefer to try jointly-indicted defendants together, particularly when the defendants are charged with conspiracy. See United States v. Brin, 630 F.2d 1307, 1310 (8th Cir. 1980); United States v. Witschner, 624 F.2d 840, 845 (8th Cir.), cert. denied, 449 U. S. 994 (1980). Similarly, courts may jointly try defendants who participated in different conspiracies, as long as the conspiracies were part of the same series of acts. See United States v. Grassi, 616 F.2d 1295, 1303 (5th Cir.), cert. denied, 449 U. S. 956 (1980); United States v. Sutton, 642 F.2d 1001 (6th Cir. 1980) (en banc).

In the instant indictment, not only are most of the counts properly joined because they are the same or similar character under the first test but, in addition, the entire indictment is quite properly joined as two or more acts or transactions connected together or constituting part of a common scheme or plan under the third test. Count one charges defendant with acting as a foreign agent of Libya without notification to the Department of State. Virtually all

of the evidence that the government intends to present in the course of trial will show defendant's actions as an unregistered foreign agent, but specifically, each of the other counts in the indictment is an example of defendant's actions on behalf of the government of Libya and demonstrates the defendant's relationship as an agent of the government of Libya. Additionally, the United States will show that defendant conspired with Jerome S. Brower, an unindicted co-conspirator in this indictment who has previously pleaded guilty to conspiracy, and that as part of that conspiracy, Brower agreed to ship to defendant in Libya a variety of munitions and explosives over a period of time. Count three of the indictment spells out in great detail the nature and circumstances of this conspiracy. Counts four through nine are substantive offenses involving the transportation of these explosives and munitions on three separate dates (August 10, 1976; October 4, 1976; and April 2, 1977) during the period of the conspiracy. The evidence on each of these counts will show that, pursuant to the conspiracy between defendant, Brower and others, the materials involved were collected in the United States by Brower and Brower's employees, shipped to Libya, and used by defendant and defendant's employees as part of a terrorist training project in Libya.

The last two counts of the indictment, Counts ten and eleven, charge the defendant with conspiracy and solicitation to commit murder. The proposed victim of this assassination, Umar Abdullah Muhayshi, was a Libyan dissident and a former member of that country's revolutionary council. The evidence will show that this conspiracy and solicitation was yet another example of acts committed on the part of

defendant Wilson which demonstrate his agency relationship and with the government of Libya.

In addition, the government's evidence will show that Overt Act six of Count ten (conspiracy to commit murder) and Overt Act eighteen of Count three, the explosives conspiracy, involve the same people, the same meeting and the same discussion. Specifically, the government's evidence will show that on September 16, 1976, in a hotel in Geneva, Switzerland, defendant Wilson and his co-defendant Terpil met with three individuals and sought their assistance in the assassination of Muhayshi. At the same time, defendants also asked one of the three individuals, who was an explosives expert, to travel to Libya, utilize the explosives that were then in place and others that were being shipped and train individuals in the use of those explosives.

In sum, it is not the action of the United States, but rather the actions of the defendant, which properly joined these counts and made severance factually and legally unnecessary. The facts dictate that all of the offenses are logically related to one another and thus are properly joined. See Pointer v. United States, 151 U.S. 396 (1894); United States v. Barrett, 505 F.2d 1091 (7th Cir.), cert. denied, 421 U.S. 964 (1975); United States v. Isaacs, 493 F.2d 1124 (7th Cir.) cert. denied, 417 U. S. 976 (1974); United States v. Gorham, supra.

Lastly, we fail to perceive how the joinder of the foreign agent's registration, explosives conspiracy and explosives and munitions substantive counts, with the solicitation and conspiracy to commit murder counts, causes any undue prejudice to the defendant. It defies all logic and ignores common sense to suggest that a greater degree of prejudice

may accrue to defendant from charging him with the attempt to assassinate a Libyan dissident than with supplying explosives and munitions to run a terrorist training camp. It would be a Hobson's choice, indeed, to decide which is the more perfidious activity. Since that the offenses are, in some instances, of same or similar circumstances, and since all constitute part of a common scheme or plan, and also the offenses are not such as to cause disparate levels of prejudice, their joinder was entirely proper.

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22/The defendant string-cites a number of cases, supposedly in support of his position on severance and joinder. A simple review of the facts of each of those cases shows that the only similarity between the circumstances of those cases and the instant case is that all involve criminal cases in federal court.

IX. THE STATUTE OF LIMITATIONS IS NOT A BAR TO THE  
INDICTMENT AND PROSECUTION IN THE INSTANT CASE

The defendant moves to dismiss Counts One, Three, Four, Five, Ten and "Perhaps Count 11" wherein defendant asserts that the statute of limitations is a bar to the outstanding indictment. We disagree with his position for the following reasons:

A. BACKGROUND

1. The Original Indictment

The original ten count indictment in this case was filed on April 25, 1980 and charged Edwin Wilson as follows:

Count I: with being an unregistered foreign agent of Libya between April 15, 1976 and December 30, 1977;

Count III: with conspiring to violate several federal statutes dealing with the illegal exportation of explosives between April 1976 and January 1, 1978;

Count IV: with transporting explosives in foreign commerce with intent to use unlawfully on or about August 10, 1976, in violation of 18 U.S. Code § 844(d);

Count V: with unlawfully exporting defense articles on the U.S. Munitions list on or about August 10, 1976, in violation of 22 U.S. Code § 2778(c);

Count VI: with unlawfully transporting hazardous materials in foreign commerce on or about August 10, 1976, in violation of 49 U.S. Code § 1809(b);

Count IX: with conspiring between August, 1976 and September 17, 1976, to commit murder in violation of 22 D.C. Code §§ 2401, 105a and the homicide laws of the Arab Republic of Egypt;

Count X: with soliciting another between August, 1976 and September 17, 1976 to commit murder in violation of 22 D.C. Code §§ 107, 105 and 22 D.C. Code § 301.

Edwin Wilson was not a named defendant in Counts II, VII and VIII of the original indictment.

## 2. The Superseding Indictment

The superseding eleven count indictment was filed on August 6, 1981 and charged Edwin Wilson as follows vis-a-vis the original indictment.

There were several technical and stylistic changes made throughout the indictment that were not substantive in nature. Moreover, Jerome S. Brower was dropped as a defendant as he had already entered a plea of guilty to the third count of the original indictment and been sentenced and Douglas M. Schlachter, Sr., was added as a defendant in most of the counts of the indictment. Specific substantive changes reflected in each count of the superseding indictment are as follows:

Count I: identical to original indictment.

Count III: in paragraph two of the third count, informational, noncharging language concerning certain specific explosives which was included in the original indictment was omitted in the superseding indictment - i.e., references to electric blasting caps and trinitrotoluene (TNT).

Ten (10) overt acts were added which dealt with events that took place on the following dates:

Overt Act No. 7: August 3, 1976

Overt Act No. 12: August 13, 1976

Overt Act No. 26: Between September 17, 1976 and  
October 4, 1976

Overt Act No. 28: Between September 17, 1976 and  
October 4, 1976

Overt Act No. 29: Between September 17, 1976 and  
October 4, 1976

Overt Act No. 31: October 4, 1976

Overt Act No. 32: Between October 6, 1976 and  
October 14, 1976

Overt Act No. 33: Between October 6, 1976 and  
October 14, 1976

Overt Act No. 35: April 2, 1977

Count IV: identical to original but omitted reference to  
specific types of explosives that were included in alleged  
shipment.

Count V: identical to original but omitted assertion that  
Trinitrotoluene (TNT), cyclotrimethylenetrinitramine (RDX),  
and Composition B (RDX-TNT mixture) was involved in the alleged  
shipment.

Count VI: the original Count VI was completely omitted  
and replaced by a new count in which Edwin Wilson and Francis  
Terpil are alleged to have violated the Hazardous Materials  
Transportation Act on October 4, 1976;

Count VII: the original Count VI was completely omitted and replaced by a new count in which Edwin Wilson and Douglas Schlachter are alleged to have transported explosives in violation of 18 U.S. Code § 844(d) on April 2, 1977;

Count VIII: the original Count VIII was completely omitted and replaced by a new count alleging an April 2, 1977 violation of the Arms Export Control Act of 1976;

Count IX: Count IX is a new count alleging an April 2, 1977 violation of the Hazardous Materials Transportation Act by Edwin Wilson and Douglas Schlachter;

Count X: the original Count IX charging the murder conspiracy became Count X in the superseding indictment with no substantive changes.

Count XI: the original Count X charging the solicitation to commit murder became Count XI in the superseding indictment with no substantive changes.

Edwin Wilson was and is not a named defendant in Count II of the superseding indictment.

B. ARGUMENT

The prosecution of Edwin Wilson is not barred by the statute of limitations for five reasons:

(1) the original indictment filed on April 25, 1980 was well within the five (5) year statute of limitations established by 18 U.S. Code § 3282;

(2) the statute of limitation was tolled as of the indictment filing date as to the charges contained in the original indictment, see United States v. Grady, 544 F.2d 598,

601-602 (2d Cir. 1976); United States v. Wilsey, 458 F.2d 11, 12 (9th Cir. 1972) (per curiam); United States v. Garcia, 412 F.2d 999, 1000-1001 (10th Cir. 1969); Powell v. United States, 352 F.2d 705, 707 n.5, 122 U.S.App.D.C. 222, 224 (1965) (dictum);

(3) because the statute stopped running with the bringing of the first indictment, the superseding indictment which was brought while the first indictment was validly pending is not barred by the statute of limitations as to those charges contained in the first indictment because those charges themselves were not broadened by the new indictment. (See cases cited above in paragraph 2);

(4) the new, additional counts contained in the superseding indictment were in addition to and did not broaden the original charges in the original counts themselves and the new additional counts in the superseding indictment were, themselves, within the statute of limitations when the superseding indictment was filed on August 6, 1981;

(5) in any event, the statute of limitations was tolled as to the new, additional counts in the superseding indictment under the provisions of 18 U.S. Code § 3290 because the defendant had been a fugitive from justice until his apprehension in June of this year. See Jhirad v. Ferrandina, 536 F.2d 478, 483 (2d Cir. 1976), Donnell v. United States, 229 F.2d 560, 565 (5th Cir. 1956); Streep v. United States, 160 U.S. 128, 135 (1895).

For the above-stated reasons we respectfully submit defendant Wilson's Motion to Dismiss the Indictment should be denied.

X. DEFENDANT HAS NO STANDING TO MOVE TO STRIKE  
REFERENCES TO UNINDICTED CO-CONSPIRATORS FROM THE  
INDICTMENT AND THERE IS NO LEGAL BASIS FOR HIS MOTION

Defendant moves to strike from the indictment several references to unindicted co-conspirators, both identified <sup>23/</sup> and unidentified. Defendant has no standing to make such a motion. Moreover, the applicable case law on the issue specifically permits the naming in indictments of unindicted co-conspirators who will testify at a trial on the indictment pursuant to agreements with the Government. Since the only unindicted co-conspirator named in the indictment will testify at trial as part of such an agreement, his naming in the indictment is completely proper.

A. Defendant Has No Standing

In Briggs v. United States, 514 F.2d 794 (5th Cir. 1975), two persons, who had been named as unindicted co-conspirators but had not been charged in the prosecution of a plot to achieve riot, moved to expunge all references to them from the indictment. The Fifth Circuit, in reversing the trial court's denial of their motion, held that the two persons named as unindicted co-conspirators had standing to make such a motion because their naming in the indictment raised the possibilities of "injury to their good names and reputations and impairment of their ability to obtain employment." Id. at 797. Several other courts have followed the Briggs reasoning where persons named as unindicted

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<sup>23/</sup>That aspect of defendant's motion which seeks deletion of all references to unidentified co-conspirators is completely without merit and deserves only summary treatment here. Even if defendant had standing to raise the issue, which he does not, no serious claim of prejudice to defendant could conceivably arise from the mere use of the term "unindicted co-conspirator" in the indictment. Indeed, defendant's statement of points and authorities, his rhetorical flights notwithstanding, alleges no such prejudice.

co-conspirators have sought deletion of their names from an indictment in which they were not charged. See e.g., United States v. Chadwick, 556 F.2d 450 (9th Cir. 1977).

No court, however, has ruled, as defendant urges this court should, that a defendant has standing to seek deletion of the names of persons referred to as unindicted co-conspirators from the indictment. There is, in fact, authority directly to the contrary. In Application of Jordan, 439 F.Supp. 199 (S.D.W.Va. 1977), upon which defendant relies, the Court, in granting a petition by a person named in an indictment as an unindicted co-conspirator for deletion of all references to him from the indictment and other court documents commented:

The rights preserved herein are preserved for the unindicted co-conspirator alone. Thus, a defendant, properly indicted in an indictment which may name others as unindicted co-conspirators, has no standing to question that practice, no benefit arriving from it, and no basis for alleging prejudice attributed to it. Id. at 209 n.11. 24/

This court should, therefore, dismiss for lack of standing defendant's motion to strike references to unindicted co-conspirators.

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24/Defendant strains to confer standing upon himself by claiming that the mere mention of unindicted co-conspirators will leave a jury "with the distinct impression that, since these persons were found to be conspirators and accomplices, the defendant must be implicated also" (Defendant's Motion, p. 55). This vague and unsupported contention is, we submit, insufficient to establish that defendant, for purposes of standing, is "himself among the injured." Sierra Club v. Morton, 405 U.S. 727, 734 (1971). In any event, whatever minimal prejudice might arguably arise is easily and adequately cured with an appropriate jury instruction.

B. A Person Who Has Agreed to Cooperate with  
Prosecuting Authorities Is Properly Named  
In the Indictment as an Unindicted Co-Conspirator

Even if defendant had standing to move for deletion from the indictment of references to unindicted co-conspirators, which the government does not concede, his motion should be denied. The very cases upon which defendant relies in support of his motion note that an unindicted co-conspirator whose name appears in the indictment as the result of an agreement with prosecuting authorities is properly named in the indictment. Since the only unindicted co-conspirator identified in the indictment in this case has made such an agreement with the United States and given, pursuant to it,<sup>25/</sup> self-incriminating grand jury testimony, defendant has no grounds, even assuming standing, upon which to seek deletion of the unindicted co-conspirator's name.

In Briggs, upon which defendant relies, the Fifth Circuit noted that

[a] person might agree to cooperate with authorities by voluntarily giving self-incriminating testimony before a grand jury, and that testimony might form the basis of his being named in an indictment as an unindicted co-conspirator.  
Briggs, supra, 514 F.2d at 804 n. 16.

Like the Briggs court, the court in Application of Jordan,

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25/On April 20, 1980, Jerome S. Brower was charged in six counts of a ten count indictment with conspiracy and violations of federal statutes regulating the shipment and exportation of explosives and other munitions, and with perjury. On December 15, 1980, Brower entered a plea of guilty to one count of the indictment charging him with a violation of the general conspiracy statute (18 USC §371). Brower's plea was part of an agreement with the United States under the terms of which he gave grand jury testimony which formed part of the basis for the superseding indictment filed on August 6, 1981. Brower was sentenced on February 23, 1981 to serve four months of a five year term of imprisonment. The balance of his sentence was suspended and Brower was placed on three years probation and fined \$5,000.

supra, also distinguished unindicted co-conspirators who had cooperated with prosecuting authorities and given self-incriminating grand jury testimony pursuant to such an agreement from those who had not, and concluded that such persons were appropriately named as unindicted co-conspirators. In Jordan, the Court explained that an application for expungement by an unindicted co-conspirator who had no agreement with the prosecuting authorities was

not an attempt to expunge the name of one whose name appears in the indictment as a conspirator as the result of a plea agreement or an agreement by the Government not to prosecute. Obviously such a person has waived the rights which are preserved here.

Application of Jordan, supra, 439 F.Supp. at 206 n.7a.

Because the only unindicted co-conspirator identified in the indictment, Jerome Brower, has made an agreement with the United States under the terms of which he has given self-incriminating grand jury testimony in support of his naming in the indictment, any rights applicable here, even if enforceable by the defendant, which they are not, have been waived. Defendant's motion to strike the references to Brower and others not yet identified in the indictment as unindicted co-conspirators should, therefore, be denied.

.XI. DEFENDANT'S MOTION TO STRIKE SURPLUSAGE  
FROM THE INDICTMENT SHOULD BE DENIED  
BECAUSE THE LANGUAGE COMPLAINED OF IS  
NOT SURPLUSAGE

Defendant moves, pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure, to strike from the indictment certain language appearing in counts four and seven. Specifically, defendant moves to strike from each count the words

kill, injure, and intimidate others and with the knowledge and intent that said explosives would be used unlawfully to damage and destroy buildings, vehicles, and other real and personal property, and which explosives did cause the injury and death of others.

(Defendant's Motion, p. 57). As grounds for his motion, defendant offers the unsubstantiated claim that the language of which he complains is "inflammatory", Id., and contains allegations "which [the Government] is unable to prove or will not prove." Id. Defendant's motion to strike should be denied because the language which is the subject of his motion sets out an element of the crime with which he is charged. It is, therefore, not surplusage and not the proper subject for such a motion.

Surplusage has been defined by the Court of Appeals for this Circuit as "language of an indictment that goes beyond alleging the elements of the statute," United States v. Jordan, 200 U.S. App. D.C. 64, 67, 626 F.2d 928, 931 (1980), which the indictment alleges the defendant to have violated. Under certain circumstances, such excess language might be the proper subject of a motion to strike. Where, however,

the language in the indictment is information which the government hopes to properly prove at trial, it cannot be considered surplusage no matter how prejudicial it may be (provided, of course, it is legally relevant) (citations omitted)

United States v. Climatemp, Inc., 482 F.Supp. 376, 391 (1979).

18 U.S.C. 844(d), which defendant is charged in counts four and seven of the indictment with violating, provides:

Whoever transports or receives, or attempts to transport or receive, in interstate or foreign commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than \$10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than \$20,000, or both; and if death results, shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

The defendant's knowledge that the explosives shipped in violation of Section 844(d) would be used for a specific unlawful purpose designated in that Section is clearly an essential element of the crime described in the statute under which defendant is charged. The challenged portion of the indictment does not, therefore, include language which goes beyond alleging the elements of the statute. It simply sets out facts which the government will, since they constitute an essential element of the offense charged, properly prove at trial and is not, therefore, surplusage. See United States v. Jordan, supra; United States v. Climatemp, Inc., supra.

Moreover, defendant's statement that the United States has acted in bad faith in charging the defendant under Section 844(d) because it has no evidence to support that charge is incorrect. At trial, the United States can and will show, through the testimony of witnesses and through

26/  
documentary evidence, that the defendant knew when he and the other conspirators charged in the indictment caused explosives to be shipped to Libya in 1976 that those explosives would ultimately be used to injure persons and to damage property. Because language in the indictment which defendant moves to strike sets out an element of the offense with which defendant is charged by alleging facts which the government can and will prove at trial, it is not surplusage. Defendant's motion to strike should, therefore, be denied.

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26/The United States will introduce at trial, for instance, the co-conspirators' original written proposal to the Libyan government which resulted in their obtaining a contract to supply the terrorist training school at Benghazi with explosives. The document shows quite clearly that the co-conspirators knew, when they shipped the explosives, exactly what use the Libyans would and did make of them.

XII. DEFENDANT WILSON'S MOTION TO SUPPRESS STATEMENTS IS MOOT

The United States of America, through its representative, the United States Attorney for the District of Columbia, respectfully oppose defendant's motion to suppress statements and gives as its reasons the following:

The only statements of the defendant which might be subject to disclosure under Rule 16(a)(1)(A)<sup>27/</sup> of the Federal Rules of Criminal Procedure were oral statements made by the defendant to government representatives in Rome, Italy in July, 1981 and a written memo in the custody of the United States in which the defendant appears to set forth his defense to the charges.

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27/ Which rule provides, in pertinent part that:

[u]pon request of a defendant the government shall permit the defendant to inspect and copy . . . any relevant written or recorded statements made by the defendant . . . within the possession . . . of the government, the existence of which is known, or . . . may become known, to the attorney for the government; the substance of any oral statement which the government intends to offer in evidence at the trial made by the defendant . . . in response to interrogation by any person then known to the defendant to be a government agent . . .

We do not intend to introduce the above-noted written  
28/  
statement as direct evidence against the defendant in our  
case-in-chief and, pursuant to the agreement set forth in  
our June 5, 1981 letter to counsel John A. Keats we will not  
use Mr. Wilson's oral Rome statements against him in our  
case-in-chief, reserving the right to use both the written  
and the oral statements against the defendant for impeach-  
ment purposes in cross-examination and/or rebuttal. See  
Harris v. New York, 401 U.S. 222 (1971). It should be noted  
that attorney Keats was present at all times in Rome, Italy  
when the federal prosecutors and investigators interrogated  
the defendant and obtained the oral statements in question.  
Nevertheless, we will supply the defense with all reports of  
interviews prepared by federal investigating agents of Edwin  
P. Wilson.

For the above-stated reasons we respectfully submit  
that defendant's motion to suppress statements is moot.

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28/ We will supply a copy of this statement to the defense.  
See, United States v. Caldwell, 543 F.2d 1333, 178 U.S.App.  
D.C. 20 (1975), cert. denied, 423 U.S. 1087.

XIII. DEFENDANT'S ELECTRONIC SURVEILLANCE MOTION IS  
BOTH LEGALLY AND FACTUALLY WITHOUT SUPPORT

The defendant, citing 18 U. S. Code §3504, requests disclosure of and moves to suppress "any and all evidence of whatever kind and nature, acquired directly or indirectly as a result of the existence of electronic surveillance, together with any and all fruits obtained therefrom and thereby." While defendant predicates his request upon 18 U. S. Code §3504, a simple reading of that section demonstrates that it does not provide the relief that he seeks.

Section 3504, Title 18, provides that

- (a) In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body or other authority of the United States --
  - (1) Upon a claim by a party aggrieved that evidence is inadmissible because it was the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act;
- (b) As used in this section "unlawful act" means any act the use of any electronic, mechanical or other device (as defined in section 2510(5) of this title) in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto. (emphasis added)

In this Circuit, the law is that the government's obligation under 18 U. S. Code §3504(a)(1) is triggered "by the mere assertion that unlawful wiretapping has been used against a party."<sup>29/</sup>

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<sup>29/</sup>Other courts have required more a specific claim of unlawful electronic surveillance before the court's duty to affirm or deny is triggered. These cases are all subsequent to Evans. E.g., United States v. Yanagita, 552 F.2d 940 (2nd Cir. 1977); United States v. Tucker, 526 F.2d 279 (5th Cir.), cert. denied, 425 U. S. 958 (1976).

In re: Evans, 146 U. S. App. D. C. 310, 452 F.2d 1239, 1247 (1971), cert. denied, 408 U. S. 930 (1972) (emphasis added). Here, however, the defendant has not alleged any unlawful electronic surveillance, nor even any electronic surveillance at all. It has been held that the United States is not even required to respond to such an allegation. United States v. See, 505 F.2d 845, 855-856 (9th Cir. 1974), cert. denied, 420 U. S. 992 (1975).

Relevant case laws suggest that an appropriate motion for disclosure of electronic surveillance must meet prima facie standards for the presence of electronic surveillance. United States v. Alter, 482 F.2d 1016 (9th Cir. 1973). The Ninth Circuit in Alter elaborated its test for sufficiency of allegations by requiring that a claim of electronic surveillance by the defendant reveal, inter alia, the specific facts which reasonably led the affiant to believe that the named party had been subjected to electronic surveillance; the dates of such suspected surveillance; and a connection between the possible electronic surveillance and the present party and proceeding in which the party is involved. Only thereafter the government required to respond in kind. Id. at page 1025. Clearly the government must respond to a proper claim under 18 U. S. Code §3504;

[h]owever, because responding to ill founded claims of electronic surveillance would place an awesome burden on the government, a claim of governmental electronic surveillance of a party must be specifically concrete and specific before the government's affirmance or denial must meet the requirements of Alter, supra. Accordingly, a general claim requires only a response appropriate to such claim. United States v. See, supra, 505 F.2d at 856 [footnote omitted] [citation omitted].

In the spirit of obviating the need for the defense to respond with the specifics that they must to trigger the government's specific response, we would note for both the court and the defense that we are aware of no non-consensual electronic surveillance in which the defendant was overheard and, therefore, we plan to rely on no non-consensual electronic surveillance evidence in the trial of this matter.

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30/The three prosecutors, whose collective responsibility for this case extends almost to the inception of the investigation, as well as the primary case agents for the Federal Bureau of Investigation and Bureau of Alcohol, Tobacco and Firearms of the Treasury Department are fully willing to provide affidavits to the court and counsel indicating the absence of non-consensual electronic surveillance. At this juncture, however, on the basis of the defendant's motion, there is no need even for that response.

XIV. THE PROPERTY WHICH DEFENDANT MOVES TO SUPPRESS WAS LAWFULLY SEIZED FROM HIM

Claiming that they were unlawfully seized from him, defendant moves to suppress certain documents, which were recovered by the United States Marshal's Service after he tore up and discarded them aboard an aircraft in flight from the Dominican Republic to New York City, and his briefcase and its contents, which Deputy United States Marshals took from him at the time of his arrest in New York. Defendant contends that he was arrested without probable cause in the Dominican Republic and that property seized from him aboard the aircraft and in New York therefore should be suppressed. Defendant, however, was never arrested in the Dominican Republic, abandoned the papers aboard the aircraft, and was arrested in New York on probable cause before the briefcase was seized. His motion to suppress should therefore be denied.

A. Circumstances of Defendant's Arrest

Early in the morning of June 15, 1982, defendant arrived in the international zone of the Santo Domingo International Airport in the Dominican Republic on a flight from Madrid, Spain. He was, at the time, traveling on an Irish <sup>31/</sup> passport issued in the name of Phillip McCormack but bearing defendant's photograph. When defendant attempted to enter the Dominican Republic, Dominican authorities <sup>32/</sup> advised him that there was a problem with his travel documents and refused him entry into the country. For the next several hours, defendant waited voluntarily in the international zone of the

31/According to Irish authorities, the passport itself is not a forgery but does appear to have been fraudulently obtained.

32/The Dominican immigration authorities had been advised by the United States Marshal's Service that the person traveling on the Irish passport was not Phillip McCormack and was wanted in the United States.

B. Defendant Abandoned the Property Recovered on the Flight to New York and Has No Standing to Challenge Its Admissibility

It is a well-established rule of Fourth Amendment law that where "a person has voluntarily abandoned property, he has no standing to complain of its search and seizure." United States v. Jackson, 544 F.2d 407, 409 (9th Cir. 1976). See also Abel v. United States, 362 U. S. 217, 240-41 (1960); Hester v. United States, 265 U. S. 57, 58 (1923); United States v. Sampol, 204 U.S. App. D.C. 349, 411-12, 636 F.2d 621, 683-84 (1980); United States v. Colbert, 474 F.2d 174, 176 (5th Cir. 1973); United States v. Cowan, 396 F.2d 83, 87 (2nd Cir. 1968). As in any other context, abandonment for Fourth Amendment purposes "is primarily a question of intent and may be inferred from words, acts or other objective facts" [citations omitted]. United States v. Jackson, supra at 409.

The circumstances surrounding the recovery of the papers in the airsickness bag make clear the defendant's intention to abandon those papers. Defendant tore the papers up, placed them in a container which he knew would have been discarded under ordinary circumstances, and permitted the flight attendant to take possession of the papers along with other items obviously destined for disposal. Here, as in Sampol, "the objective circumstances provide an inescapable inference that the [property seized] was abandoned." Sampol v. United States, supra, 204 U. S. App. D. C. at 411, 636 F.2d at 683. Defendant, has no standing to seek suppression of that property since there was no seizure from him.

airport until Dominican authorities told him that he would not be permitted to enter the Dominican Republic and would be placed on the next flight to New York City. Defendant was never arrested.

On the flight to New York, the United States Marshal for Puerto Rico, who was observing defendant, saw him tear up some papers, place them in an airsickness bag, and then put the bag containing the papers on a breakfast tray in front of him. When a flight attendant collected the breakfast tray, the United States Marshal for Puerto Rico followed her to the galley of the aircraft where she dropped the airsickness bag along with other items from the breakfast tray into a large garbage container. The Marshal then removed the airsickness bag from the garbage container, kept it until the plane reached New York, and there turned over <sup>33/</sup> the airsickness bag and its contents to other Deputies, who retained the items as evidence. Upon defendant's arrival in New York, the Marshal's Service executed a bench warrant for his arrest which had been issued concurrently with <sup>34/</sup> defendant's indictment in the District of Columbia. At the time of the arrest, Deputies seized defendant's <sup>35/</sup> briefcase.

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33/The airsickness bag contains what appear to be personal records kept by defendant relating to his net worth, debts owed to him, and other financial matters.

34/The indictment, which supersedes an indictment returned in April, 1980, was returned on August 6, 1981; the bench warrant was issued the following day.

35/The briefcase contained pens, a calculator, a book, a magazine and a variety of personal papers, as well as correspondence and memoranda relating to defendant's business and financial dealings, and other items.

C. Defendant Was Arrested on Probable Cause and Any Property Seized Incident to His Lawful Arrest Is Admissible

On August 6, 1981, a grand jury empanelled in the District of Columbia returned an indictment charging defendant with a variety of violations of federal law. On the following day, a United States Magistrate for the District of Columbia issued a bench warrant, based on the indictment, for defendant's arrest. On June 15, 1982, the United States Marshal's Service executed the bench warrant when defendant arrived in New York from the Dominican Republic where he had been refused entry but never, despite his contention to the contrary, was arrested.<sup>36/</sup> At the time of his subsequent arrest pursuant to the bench warrant, Deputy United States Marshals seized the defendant's briefcase and its contents. Defendant contests the seizure.

Defendant's indictment on August 6, 1981 rendered nugatory any issue of probable cause for his arrest because, as the Supreme Court stated in Giordonello v. United States, 357 U.S. 480 (1957),

the grand jury's determination that probable cause existed for the indictment also establishes that element for the purpose of issuing a warrant for the apprehension of the person so charged.

357 U. S. 480, 487 (1957); see also Ex parte United States, 287 U.S. 241, 250 (1932). In addition, it is established well beyond any serious question, that items such as the

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<sup>36/</sup>Even if defendant had been arrested in the Dominican Republic, his arrest would still have been accomplished with probable cause. His situation for purposes of a Fourth Amendment analysis therefore would remain the same whether or not he had been arrested in the Dominican Republic.

briefcase and its contents, which defendant moves to suppress, seized from a person arrested on probable cause are admissible as evidence and not subject to suppression. See United States v. Robinson, 414 U. S. 218, 236 (1973).<sup>37/</sup> Defendant's motion should, therefore, be denied.

<sup>37/</sup>In a concurring opinion in Robinson, Justice Powell quoted a Ninth Circuit articulation of the Court's rationale:

Power over the body of the accused is the essence of his arrest; the two cannot be separated. To say that the police may curtail the liberty of the accused but refrain from impinging upon the sanctity of his pockets except for enumerated reasons is to ignore the custodial duties which devolve upon arresting authorities. Custody must of necessity be asserted initially over whatever the arrested party has in his possession at the time of apprehension. 414 U. S. at 237-238 n. 1, quoting from Charles v. United States, 278 F.2d 386, 388-389 (1960).

XV. THE DEFENDANT IS NOT ENTITLED TO A PRETRIAL HEARING ON THE  
ISSUE OF THE ADMISSIBILITY OF CO-CONSPIRATORS' STATEMENTS

The defendant requests a so-called pre-trial "James" Hearing on the issue of the admissibility of co-conspirators' <sup>38/</sup> statements as follows:

This circuit has specifically addressed the question of the circumstances surrounding the introduction of such statements at trial in United States v. Jackson, 627 F.2d 1198, 201 U.S.App.D.C. 212 (1980), a case that postdates the James <sup>39/</sup> case upon which the defendant purports to rely and, neither Jackson nor James require the type of pretrial determination of the admissibility of co-conspirators' statements that defendant claims is his right.

In Jackson, the court found that the government must prove the existence of a conspiracy by substantial evidence independent of any co-conspirator's statements to the satisfaction of the trial judge before it submits the case to the jury for its deliberations. See also, F.R.Evid. 104(b).

As to the procedural timing of the determination by the trial judge, the better practice is for the court to determine before the hearsay is admitted that the evidence independent of the hearsay testimony proves the existence of the conspiracy sufficiently to justify admission of the hearsay declarations.

Jackson, supra, 627 F.2d at 1218, 201 U.S.App.D.C. at 232.

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<sup>38/</sup> Fed.R.Evid. 801(d)(2)(E) provides that a statement is not hearsay if the statement is offered against a party and is a statement by a co-conspirator of a party during the course of and in furtherance of the conspiracy.

<sup>39/</sup> United States v. James, 590 F.2d 575 (5th Cir.), cert. denied, 442 U.S. 917 (1979).

While calling this the "preferred order of proof" the Court stated that trial judges were not obligated to follow that course, recognizing that "it is just impractical in many cases for a court to comply strictly with the preferred order of proof." Id., 201 U.S.App.D.C. at 232-33, 627 F.2d at 1218-19; see United States v. Gantt, 199 U.S.App.D.C. 249, 263, 607 F.2d 831 (1980). The James court had set forth a similar "preferred order of proof", stating that:

The district court should, whenever reasonably practicable, require the showing of a conspiracy and of the connection of the defendant with it before admitting declarations of a conspirator. If it determines it is not reasonably practical to require the showing to be made before admitting the evidence, the court may admit the statement subject to being connected up.

590 F.2d at 582.

It is an unnecessary burden on this court's resources to conduct a "mini-trial" on the Jackson issue of admissibility of co-conspirator's statements either in advance of trial or during the trial out of the presence of the jury before the presentation of any such evidence from co-conspirators. See Jackson, supra. In this case the court already has before it the guilty pleas of two testifying co-conspirators who both entered pleas of guilty to violating 18 U.S. Code § 371, confessed the existence of the conspiracy with which defendant Wilson is charged, and disclosed the roles that they individually played in it with Edwin P. Wilson. The court, then,

already has before it substantial independent evidence of the existence of the conspiracy. Additional evidence, separate and apart from co-conspirators' statements, establishing the existence of the conspiracy will be offered at trial and can be proffered in advance of the introduction of the 801(d)(2)(E) statements.

We respectfully submit that, in this case, the court should follow the procedure found acceptable in Jackson whereby the court permits

the introduction of evidence as to things said and done by an alleged co-conspirator subject to being connected up and followed by evidence of the existence of the conspiracy.

Id. 627 at 1218, citing United States v. Vaught, 485 F.2d 320, 323 (4th Cir. 1973).

Then, if the government fails to make the necessary evidentiary connection the court can strike the testimony at issue and instruct the jury to disregard it. Id. <sup>40/</sup>

Based on the fact that witnesses in this case have both hearsay and non-hearsay evidence to give and, further, based on the unnecessary expenditures of the court's resources in conducting the pretrial hearing proposed by the defendant, we urge this Court to make a preliminary determination as to the strength of the independent evidence in this case and in that determination conclude that admitting the hearsay declarations

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<sup>40/</sup> It would be foolhardy for the prosecution to promote this procedure if we had any doubt at all in our ability to prove the existence of the conspiracy in this case as we would be courting a possible mistrial if we should fail in our proof.

of co-conspirators against this defendant, subject to their connection, does not involve the risks of curative instructions or mistrial. Accordingly, we urge this Court to deny defendant Wilson's Motion for a Pre-Trial Hearing to Determine the Admissibility of 801(d)(2)(E) Statements.

XVI. ANSWER AND OPPOSITION TO DEFENDANT'S MOTION  
FOR DISCOVERY, INSPECTION AND BILL OF PARTICULARS

Viewed in context, the motions filed by the defendant seriously confuse the nature, extent and purpose of Rule 16 of the Federal Rules of Criminal Procedure (Procedure), Rule 7(f) of the Federal rules of Criminal Procedure (Bill of Particulars), and the doctrine enunciated in Brady v. Maryland, 373 U. S. 83 (1963) and its progeny. The defendant completely misperceives the purpose of a bill of particulars, attempting to make it a discovery device; then he attempts to distort Rule 16 into a legal crystal ball, hoping it will enable him to see the entirety of the government's case; and finally he attempts to twist Brady into an adhesive that would hold his ill conceived creation together. Since the motions are based on the erroneous premise that certain discovery they are not entitled to under Rule 16 they can somehow receive under Rule 7(f) and Brady, it is important at this juncture for the United States to present in clear terms the nature, scope and purpose of Rule 16, Rule 7(f) as well as Brady and to state specifically what these Rules do not cover.

A. DISCOVERY (RULE 16)

Defendants in criminal cases have no general constitutional right to discovery nor does the Due Process clause govern the nature or amount of discovery which must be provided. Weatherford v. Bursey, 429 U. S. 545 (1977); Wardius v. Oregon, 412 U. S. 470 (1973). Rather, discovery under the Federal Rules of Criminal Procedure is controlled by Rule 16. Rule 7(f) and the Brady doctrine, as will be more fully explained below, are not discovery devices. The 1975 amendments to Rule 16 provide for greater discovery to the defense as well as the prosecution. Under the expanded and liberalized discovery provisions of Rule 16, defendants

are entitled to discover four things:

- (1) Statements of the defendant where the statement is
  - (a) a written or recorded statement made by the defendant directly to the government,
  - (b) an oral statement made by the defendant "in response to interrogation by a person then known to the defendant to be a government agent,"
  - (c) the recorded testimony of the defendant before the grand jury;
- (2) The defendant's prior criminal record;
- (3) Documents and tangible objects which are material to the preparation of the defense, or are intended for use by the government as evidence in chief at the trial, or were obtained from or belonged to the defendants; and
- (4) The results or reports of scientific tests or experiments which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial. Rule 16(a), Fed. R. Crim. P.

The United States has already advised counsel for the defendant that we will fully comply with the four areas which Rule 16 covers. Additionally, the United States will provide appropriate informal discovery to the defendant at such time as the defendant avails himself of the opportunity to accept our offer. As indicated in the defendant's motions, he has not yet sought the opportunity to gather informal discovery from counsel for the United States.

Notwithstanding the limits of Rule 16, the defendant has made wide sweeping requests for additional discovery, going far beyond that which he is entitled to under Rule 16. These requests in effect constitute the demand for an open-ended inspection and examination of much of the government's investigative files. In no instance has the various "discovery"

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<sup>41/</sup>We will treat later in this pleading defendant's "discovery" requests which are disguised as Brady demands.

request made by the defendant been supported by references to specific cases or other authority. Courts have regularly condemned such sweeping discovery motions as improper. E.g. United States v. Fioravanti, 412 F.2d 407, 410-412 (3rd Cir. 1969), cert. denied, 396 U. S. 837; United States v. Jordan, 399 F.2d 610, 615 (2nd Cir. 1968), cert. denied, 393 U. S. 1005; United States v. Leta, 60 F. R. D. 127, 129 (N. D. Pa. 1973). In fact only a precious few of the areas of requested discovery outlined in the defendant's pleading conform at all to requirements of Rule 16. Moreover, the Supreme Court recently repeated its position that there is "no constitutional requirement that the prosecution make a complete and detailed accounting to the defense of all police investigatory work on a case." United States v. Agurs, 427 U. S. 97, 111 (1976) citing Moore v. Illinois, 408 U. S. 786, 792 (1972).

It is, therefore, very clear that Rule 16 does not give the defense the right to discover all of the government's evidence. It is also clear that Rule 16 does not give the defense the right to the names of the government's witnesses or persons interviewed during the course of the investigation. Our own Court of Appeals in United States v. Bolden, 169 U.S. App. D.C. 60, 71, 514 F.2d 1301, 1312 (1975), spoke directly to this point

Since this was not a capital case at the time of the trial [citation omitted], there was no government duty to disclose the witness list.

Even more recently, the Congress of the United States, in adopting the 1975 amendments to the Federal Rules of Criminal Procedure, specifically rejected the idea that the defense should be entitled to the names and addresses of government's witnesses even three days before trial. In the Conference Report H. R. Rept. No. 94-414, 94th Congress, 1st Session,

at 12 (1975) the conferees stated:

The House version of the bill provides each party, the government and the defendant, may discover the names and addresses of the other party's witnesses three days before trial. The Senate version of the bill eliminates these provisions, thereby making the names and addresses of a party's witnesses non-discoverable. The Senate version also makes a conforming change in Rule 16(d)(1). The conference adopts the Senate version.

A majority of the conferees believe it is not in the interest of the effective administration of criminal justice to require that the government or the defendant be forced to reveal the names and addresses of its witnesses before trial. Discouragement of witnesses and improper contacts directed at influencing their testimony, were deemed paramount concerns in the formulation of this policy.

The Supreme Court recently upheld this position in Weatherford v. Bursey, supra at 559-561. A number of circuits have also reached the same conclusion. See United States v. Addonizio, 451 F.2d 49,62 (3rd Cir. 1971), cert. denied, 405 U. S. 936 (1972); United States v. Conder, 423 F.2d 904, 910 (6th Cir.), cert. denied, 400 U. S. 958 (1970); Carpenter v. United States, 463 F.2d 397, 402 (10th Cir. 1972). It would be especially harmful in the instant case for the United States to prematurely disclose the names of witnesses. The defendant is charged with, among other counts, solicitation and conspiracy to commit murder. His resources and background demonstrate a clear and present ability to cause substantial damage to witnesses if so inclined. Already the United States has found it necessary to place certain witnesses in the Witness Protection Program. Additionally, a substantial number of witnesses have indicated to the United States their fear of physical retaliation if their status as witnesses or location were to become known. At least one court has specifically said that it would be an abuse of discretion to order the

names of witnesses where coercion or harm would likely result. United States v. Moceri, 359 F. Supp. 431 (N. D. Ohio 1973).

As a further example of defendant's misperception of what constitutes legitimate pre-trial discovery, he has made a sweeping request for "all statements, notes, recordings or any other form of transcription of statements made by any and all prospective government witnesses." (Defendant's Motion at p. 66.) Not only have we found no case which requires the pre-trial disclosure of this information, the Jencks Act (18 U. S. Code §3500) prohibits the production of these materials in discovery and quite clearly mandates the timing of such production.

Clearly, to the extent that the defendant's request for these statements constitutes a left-handed method of determining the government's witnesses, it is impermissible for the reasons previously stated. In spite of the fact that the law in no way requires it, we will agree to turn over the statements of virtually all perspective government witnesses on the date the case is called for trial. This will give the defendant ample opportunity through jury selection, pre-trial matters and on-going testimony to review and digest the Jencks material. The defendant also seeks the identity of any informers, agents, special employees or employees of the government who were utilized during the course of the investigation.<sup>42/</sup> It is understandable why the defendant cites no law in support of any of their discovery requests, including this one, for the law provides the defense no support for this demand. In Roviaro v. United States, 353 U. S. 53 (1957),

<sup>42/</sup>Defendant specifically requests the status of Ernest Keiser, Philip Tucker and Dan Drake. The position of these individuals is made clear in the portion of this response discussing fugitive recovery at pp 1 -18 .

reveal the identity of informers, but the government need not disclose all witnesses "who have knowledge of the case" United States v. Gonzalez, 466 F.2d 1286 (5th Circuit, 1972). In sum, then, the law will neither tolerate nor countenance the disclosure of the identity of informers simply in the whim of the defense. Rather, when the informant is integrally involved in the offense for which the defendants are charged and when the government does otherwise intend to produce or identify the informer, the court then may determine it to be appropriate to reveal the name sought. We do not anticipate these set of circumstances occurring in the instant case. Barring those circumstances, the defendant's broad request must be denied.

With respect to the defendant's request for promises and agreements made to witnesses, the United States is well aware of its responsibilities under Giglio v. United States, 405 U. S. 150 (1972). However, Giglio does not relate to pre-trial disclosure of such information, but rather withholding such information at trial. The government will clearly make known to the defense, and most likely bring out on direct examination, any promises or commitments made to any government witnesses, consistent with Giglio. To the extent that those agreements are in writing, the United States will provide them at the time the Jencks material is provided.<sup>43/</sup>

<sup>43/</sup>The defense all requests "all materials, evidence or records in the prosecutor's possession which involve special investigations in connection with this case." (Defendant's motion at p. 68) Even within the rubrik of this overly broad, non-supported scatter-gun approach to motions presented by the defendant, we are unable to fathom what the defendant is asking for here. While it may likely fall into the same category as other requests made by him, we would need some information from him on this request before we could even begin to respond.

the court reversed the conviction of the defendant where the government refused and the trial court sustained the non-disclosure of the identity of an essential informant who was alleged in the indictment to be the individual to whom the defendant had sold heroin. In discussing the need to disclose at trial the identity of an integral witness, the court said:

We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest and protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders non-disclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors. Id. at 62.

Decisions subsequent to Roviaro have increasingly emphasized the particular facts of Roviaro. See e.g. Alvarez v. United States, 525 F.2d 980, 982 (5th Cir. 1976) and cases cited therein. Where the informer's role was simply providing information, no disclosure is necessary. United States v. Morell, 524 F.2d 550 (2nd Cir. 1975). In fact, the prevailing law in the circuits favor non-disclosure. "The interests of law enforcement are served by protecting the identity of the informant except where a need for disclosure is demonstrated by the informant's own testimony, and not by the speculative claims of the defendant." United States v. Rawlinson, 487 F.2d 5, 7 (9th Cir. 1973), cert. denied, 415 U. S. 984 (1974); accord United States v. Hurse, 453 F.2d 128, 130-131 (8th Cir. 1971); United States v. Lloyd, 400 F.2d 414, 416 (6th Cir. 1968); United States v. Jackson, 384 F.2d 825 (3rd Cir. 1967), cert. denied, 392 U. S. 934 (1968). Thus, not only is the United States not required to

B. BILL OF PARTICULARS (RULE 7(f))

Before discussing what a bill of particulars is, it is important to state what it is not. "It is not the function of a bill of particulars to provide a detailed disclosure of the government's evidence in advance of trial." Overton v. United States, 403 F.2d 444, 446 (5th Cir. 1968). "Acquisition of evidentiary detail is not the function of a bill of particulars." Hemphill v. United States, 392 F.2d 45, 49 (8th Cir.), cert. denied, 393 U. S. 877 (1968). "The total items requested by all defendants go far beyond that to which they are entitled. To require the government to furnish the minutiae sought would be tantamount to a preview of its case in advance of trial and compel a disclosure of evidence, including the names of witnesses." United States v. Kahaner, 203 F. Supp. 78, 84, (S. D. N. Y. 1962).

"The purpose of a bill of particulars is to inform the defendant of the nature of the charges against him to adequately prepare his defense, to avoid surprise during trial and to protect him against a second prosecution for an inadequately defined defense...when the indictment itself is too vague and indefinite for such purposes." United States v. Addonizio, supra, 451 F.2d at 63-64 (emphasis added) (citations omitted); accord Wyatt v. United States, 388 F.2d 395, 397 (10th Cir. 1968); and United States v. Haskins, 345 F.2d 111, 114 (6th Cir. 1965) (and cases cited therein).

A motion for a bill of particulars is addressed to the sound discretion of the trial court, and, absent a showing of abuse of discretion, the ruling of the trial court will not be disturbed on appeal (citations omitted). Ordinarily, the function of a bill of particulars is not to provide single "detailed disclosure of the government's evidence in advance of trial" but to supply "any

essential detail which may have been omitted from the indictment." [citations omitted]. The information sought by the defendants in their motion was the entire range of evidence on which the government relied, including the names of all witnesses to be used by the government. Denial of such disclosure, 'whether requested by a motion for bill of particulars under Rule 7(f), or by motion for discovery under Rule 16(b), Federal Rules of Criminal Procedure,' will not be an abuse of discretion on appeal [citation omitted]. United States v. Anderson, 481 F.2d 690-691 (4th Cir. 1973).

In the instant case, the indictment is extremely detailed and by no stretch of the imagination could it be described as vague and indefinite for the purpose of informing the defendant of the nature of the charges against him.

The indictment in each substantive count and more obviously in the conspiracy counts spells out in the various legal activities. The indictment discloses the identity of each of the indicted co-defendants, one of the unindicted co-conspirators, the statutes involved, the object of the conspiracies, the means used by the defendants to further the objects of the conspiracy and finally, in count three, describes in forty-one overt acts the step-by-step planning and execution of the crime; and in count ten, six overt acts describing the conspiracy. It is hard to imagine a more particularized indictment than the one returned in the instant case. Frankly, one of the reasons why the indictment was drafted so specifically was to avoid having to respond to an unreasonable motion for a bill of particulars like the one filed by the defendant. His request for numerous particulars is clearly contrary to the underlying function of a bill of particulars in light of the specificity of the indictment. E.g. United States v. Brown, 540 F.2d 364 (8th Cir. 1976); United States v. Bearden, 423 F.2d 805, 809 (9th Cir. 1970); Overton

v. United States, supra; Hemphill v. United States, supra.

Clearly, the mere fact that the indictment charges two conspiracy counts does not by some mystical process transform a rather straight-forward case into one that mandates a bill of particulars. In fact, "in an indictment for conspiracy to commit a criminal offense, the elements of that offense need not be stated with the same particularity as would be required in an indictment for a violation of the substantive offense." United States v. Perez, 489 F.2d 51, 70 (5th Cir. 1973), citing inter alia, Wong Tai v. United States, 273 U. S. 77 (1927).

In light of the detailed nature of the indictment, the non-complexity of the charges and the extensive conversations which counsel has and will have, there is no way the defense can fairly claim that it does not know the nature of the charges so as to avoid surprise at trial, to prepare the defense, and to avoid double jeopardy. As stated above, these are the hornbook purposes of a bill of particulars. When these conditions are satisfied, as they are without any doubt in this case, the defendants are not entitled to a bill of particulars. United States v. Pollack, 175 U. S. App. D. C. 227, 534 F.2d 964, cert. denied, 429 U. S. 924 (1976). The Pollack case involved a complicated mail fraud security scheme. Judge Gasch denied the defendant's motion for a bill of particulars on the ground that the indictment outlined the scheme and each defendants' role in that scheme in a manner sufficient to avoid surprise and permit the defendants to prepare a defense. The Court of Appeals for this Circuit upheld Judge Gasch, stating:

These circumstances, appellants' demands for further particularization of overt acts, the circumstances surrounding the

alleged acts, and attribution of the alleged misrepresentations may be construed as attempts to procure evidentiary material rejected within the discretion of the district judge. United States v. Pollack, supra 175 U. S. App. D. C. at 233, 574 F.2d at 970..

In taking the 16 numbered requests as well as the general requests of the defendant as a whole, it is clear that the defendant is seeking incredible amounts of detail with respect to the government's case. In fact, with respect to some counts, the defense requests virtually every evidentiary detail of the government's case--a result which is totally contrary to the purpose of a bill of particulars. The Supreme Court has specifically held that a motion for a bill of particulars seeking this detail--"which in effect sought a complete discovery of the government's case in reference to the overt acts"-- is properly denied. Wong Tai v. United States, supra, at 82. Such demands are customarily denied. E.g. United States v. Ford Motor Company, 24 F.R.D. 65, 70 (D.C.C. 1959) (Tamm J.); Hickman v. United States, 406 F.2d 414, 415 (5th Cir.), cert. denied, 394 U. S. 960 (1969); Cook v. United States, 354 F.2d, 529, 539 (9th Cir. 1965).

However, notwithstanding the fact that there is absolutely no justification for a bill of particulars in this case, the government is prepared to the extent possible to detail for the defense the time, date and/or place of certain acts set out in the indictment about which they have specifically inquired. This information will be provided to the defense in ample time prior to trial.

Finally, we wish to point out that the procedure we are following here was not only accepted by Judge Gasch and the Court of Appeals in the Pollack case, discussed above, but

has been fairly routinely followed by federal judges in the Southern District of New York. For example, in United States v. Leighton, 265 F. Supp. 27, 35 (S. D. N. Y 1967), after the government consented to supply the defense with the time and place where the alleged offense took place, the trial judge ruled as follows:

Where the indictment as written contains all the particulars necessary to enable the defendant to understand the charges against him and to protect himself from double jeopardy, the court will not order the government to set forth any further particulars. The indictment in the instant case most particularly sets forth the nature of the charges by specifying the approximate date of the offense, the amount of the bribe, the duty performed by the Revenue Agent and the name and year of the income tax return involved. Any particulars sought herein by the defendants which have not been consented to by the government either seek a preview of the evidence or go to matters not within the indictment. As indicated, supra, these matters are not properly within the scope of a demand for a bill of particulars and, accordingly, both defendants' motions are granted only in so far as has been consented to by the government.

Further, in United States v. Birrell, 263 F. Supp. 113, 115 (S. D. N. Y. 1967), the trial judge ruled as follows:

The indictment herein is replete with factual details. Nevertheless, the government has consented to supply the defendant with a number of particulars, as specified by the government in its opposing affidavit and its opening memorandum of law.

The motion is granted to the extent that the government has consented. It is denied in all other respects for the reasons that other particulars sought obviously constituted an unwarranted attempt to obtain evidentiary detail of the government's proof in advance of trial and of the theory of its case.

To the same effect are United States v. Diliberto, 264 F. Supp. 181 (S. D. N. Y.); United States v. Roberts, 264 F. Supp. 662, 624 (S. D. N. Y. 1966).

Finally, the defendant's attempt to justify his bill of particulars by claiming difficulty in preparing or conducting his defense does not warrant the remedy he seeks.

Every denial of the defendant's request for a bill of particulars may in some measure make the preparation of his defense more onerous. But a demonstration of the generalized kind of prejudice is insufficient to override the broad discretionary powers vested in a district court with respect to such requests. If only a generalized showing of prejudice were sufficient, perhaps the defendant would always be entitled to a bill of particulars. Although the law of discovery in criminal cases has recently been liberalized, that development has yet to materialize. United States v. Wells, 387 F.2d 807, 808 (7th Cir. 1967); See also United States v. Johnson, 504 F.2d 622 (7th Cir. 1974).

C. RECIPROCAL DISCOVERY AND PRODUCTION OF STATEMENTS OF DEFENSE WITNESSES

Since the defendant has made requests for disclosure under Rule 16(a)(1)(C) and (D) of the Federal Rules of Criminal Procedure (See pages 67, 68 paragraphs 11 and 12 of their Omnibus Motion.), the United States requests pursuant to Rule 16(b)(1)(A) and (B) for reciprocal discovery of appropriate items called for by the Rule and specifically requests an order of the court granting reciprocal discovery.

Additionally, pursuant to Rule 26.2 of the Federal Rules of Criminal Procedure, the United States moves this court to issue an order directing the defendant to produce statements of witnesses called to testify on behalf of the defendant (or by the court).

Effective December 1, 1980, Rule 26.2 was added to the Federal Rules of Criminal Procedure. As the Advisory Committee has stated, "Rule 26.2 provides for production of statements of defense witnesses at trial in essentially the same manner as is now provided for with respect to the statements of government witnesses." The new Rule establishes procedures for the production of defense witnesses' statements was enacted in light of the Supreme Court's decision in United States v. Nobles, 422 U. S. 225 (1975). The Advisory Committee pointed out that the purpose of Rule 26.2 is to make defense statements discoverable on the same basis as discovery of government witnesses is presently authorized by the Jencks Act (18 U.S. Code §3500): "[Rule 26.2], consistent with the reasoning in Nobles, is designed to place the disclosure of prior relevant statements of a defense witness in the possession of the defense on the same legal footing as is the disclosure of prior statements of prosecution witnesses in the hands of the government under the Jencks Act, 18 U. S. Code §3500 [which Rule 26.2 would replace]." In effect, a two-way "Jencks Act" has now been established "the Rule, with minor exceptions, makes the [discovery] procedure identical for both prosecution and defense witnesses."

The provisions of Rule 26.2 establish that, as a matter of right, the United States is entitled to all statements of defense witnesses called to testify at the trial of this case. This includes experts as well as lay witnesses. We stress that the "statement" as defined in Rule 26.2(f) includes not only written statements made by a witness that is signed or otherwise adopted or approved by him, but also a substantially verbatim recital of oral statements that is recorded contemporaneously with the making and is contained in a

stenographic, mechanical, electrical or other recording or transcription thereof. It may be that the defense has taperecorded interviews of persons whom they have interviewed. These are "statements" under Rule 26.2(f) and, thus, the United States is entitled not only to written statements pertaining to these witnesses but also tape recordings of these witnesses'.

Moreover, the "work product" doctrine does not prevent disclosure that is required under Rule 26.2. The Advisory Committee made clear that Rule 26.2 was "consistent with the reasoning in Nobles.<sup>44/</sup>" And in Nobles, the court rejected the argument that the "work product" privilege did not prevent disclosure of witnesses' statements. The court stated:

Respondent by electing to present the investigator as a witness waived the [work product] privilege with respect to matters covered in his testimony. Respondent may not more advance the work product doctrine to sustain a unilateral testimonial use of work product materials than he could elect to testify in his own behalf and thereafter assert his Fifth Amendment privileges to resist cross-examination on matters reasonably related to those brought out in direct examination. United States v. Nobles, supra, 422 U. S. at 239-240<sup>45/</sup>

<sup>44/</sup>The Court in Nobles upheld a lower court's order that required the defense to make available to the government its investigators report when the investigator testified.

<sup>45/</sup>In a concurring opinion, Justice White took the view that the work product doctrine applied only to pre-trial discovery and not to "production of evidentiary material at trial." 422 U. S. at 243. The court itself reserved that question, relying instead on the narrower waiver analysis. Id at 239.

The court also noted that even if the Sixth Amendment privilege were applicable (which the court noted it was not) that was also waived. Id. at 240 n. 15. And, of course, the same would be true with respect to the attorney-client privilege were it applicable. But the attorney-client privilege is clearly not applicable in any event because it applies only to "confidential communications between client and attorney..." Baird v. Coerner, 278 F.2d 623, 629 (9th Cir. 1960); accord (cont'd)

That the work product doctrine does not act as a limitation on the requirement to produce witness statements was the explicit holding in Goldberg v. United States, supra, n. 2. Indeed, the court held that even the government attorneys' notes of witness conferences were not protected to the extent that those notes reflected the statements of a witness. The court reasoned that so long as only witness statements are disclosed, the lawyers' reflections and strategies continue to receive protection. The court explained:

Proper application of the [Jencks] Act will not compel disclosure of a government lawyer's recordation of mental impressions, personal beliefs, trial strategy, legal conclusions, or anything else that 'could not fairly be said to be the witness's own' statement. 'If a government attorney has recorded only his own thoughts in his interview notes, the notes would seem both to come within the work product immunity and to fall without the statutory definition of "statement".' Furthermore, if a witness has for some reason 'adopted or proved' a writing containing trial strategy or similar matter, such matter would be excised under section 3500(c) as not relating to the subject matter of the witness' testimony or direct examination. Thus, the primary policy underlying the work product doctrine—i.e. protection of the privacy of an attorney's mental processes—is adequately safeguarded by the Jencks Act itself. Id. at 106 (citations omitted).

The work product doctrine cannot, therefore, prevent disclosure under Rule 26.2, which as the Advisory Committee stated, "is designed to place the disclosure of prior relevant statements of a defense witness in the possession of the defense on the same legal footing as is the disclosure of prior statements

<sup>45</sup>/Cont'd. Wilcoxon v. United States, 231 F.2d 384, 386, cert. denied, (351 U. S. 943 (1946)). Here we are concerned only with the statements of third-parties. Indeed neither in Nobles nor in Goldberg v. United States, 425 U. S. 94 (1976), did anyone even try to suggest that the attorney-client privilege was implicated by the required disclosures.

of prosecution witnesses in the hands of the government under the Jencks Act, 18 U. S. Code §3500," (emphasis added).

We recognize that the Rule does not require disclosure of defense witness statements until after the witness testifies on direct examination. However, the Advisory Committee has stated that Rule 26.2 "is not intended to discourage the practice of voluntary disclosure at an earlier [than after the witness's direct testimony] so as to avoid delays at trial." Thus, in order to avoid delay, we respectfully request that the court (in concert with our suggestion relating to government disclosure of Jencks Act statement) direct the defendant to disclose all statements of witnesses they plan to call prior to the commencement of the presentation of the defense case.<sup>46</sup>

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<sup>46</sup>/The defendant makes a request for restricted discovery (page 111-112 of his Omnibus Motion) and specifically seeks that items discovered or disclosed be revealed solely to the court and to the defense and "under no circumstances, be made public or available to any other person, including the news media." In light of counsel for the defendant's proclivity towards television appearances following court hearings and practice of delivering their motions to the news media prior to delivery to the United States, we find such a request disingenuous. As the court is aware, it is not the practice of the United States Attorney's Office for the District of Columbia to provide discovery materials relevant to a criminal case to individuals other than the court and counsel. We will continue to act appropriately with regard to this practice. Further, with rare exception, it is the practice of this office to provide copies of discovery and inspection materials to the defense to peruse at their leisure. If there are unusual or unique circumstances where this is not possible, we will make those instances known to the court.

XVII. THE INDICTMENT IS SUFFICIENTLY PLED TO INFORM DEFENDANT OF THE CHARGES OF WHICH HE IS ACCUSED SO THAT HE MAY PREPARE HIS DEFENSE

The defendant asserts that the indictment contains insufficient allegations to notify the defendant of the charges he must meet to adequately prepare for trial. We disagree.

Rule 7(C) of the Federal Rules of Criminal Procedure requires that [t]he indictment . . . shall be a plain, concise and definite written statement of the essential facts constituting the offense charged." Courts have repeatedly held that the indictment serves two principal functions: it is supposed to sufficiently apprise the defendant of the offense of which he is accused so that he "knows what he must be prepared to meet" and so that a judgment therein will protect him from a subsequent prosecution for the same crime. Russell v. United States, 369 U.S. 749, 763-764 (1962), quoting from Cochran v. United States, 157 U.S. 286, 290 (1894). The second function has less significance than the first in view of the fact that the whole record of the proceedings, and not the indictment itself, may be relied upon to protect the defendant's right against double jeopardy. Id.

In the instant case, most all of the charges are uncommon ones rarely charged in this jurisdiction, so the government was careful to track the language of the statute in each instance in which the statute set forth the essential elements of the offense. We agree with the defense that the extent to which tracking the statute is permissible depends on the language of the statute itself:

It is generally sufficient that an indictment set forth the offense in the words of the statute itself, as long as "those words of themselves fully, directly and expressly, without any uncertainty or ambiguity, set forth all the elements necessary to constitute the offense intended to be punished."

United States v. Carll, 105 U.S. 611, 612 (1882). Accord, Hamling v. United States, 418 U.S. 87, 117 (1942); United States v. Debrow, 346 U.S. 374, 377-378 (1953).

We submit that the language under which the defendant was indicted and of which he now complains "meets the requirements of clarity and certainty" as set forth above. United States v. Ramos, 666 F.2d 469, 474 (11th Cir. 1982) (and cases cited therein). Moreover, wherever appropriate, the government supplemented the statutory language with the time and place of the criminal activity and the names or identities of the participants. When appropriate, the defense can, of course, obtain more particulars concerning the charged offenses in a bill of particulars and through pretrial discovery. See, United States v. Carrier, 672 F.2d 200, 303 (2d Cir. 1982).

Contrary to defendant's assertion with respect to Count Three, the defendant is specifically charged with conspiring to violate three separate statutes. Moreover, he is similarly specifically advised as to which statutes the government is proceeding against him with in Counts Five, Six, Seven, Eight and Nine.

For the above-stated reasons we respectfully submit that the defendant's motion should be denied.

XVIII. DEFENDANT'S BRADY DEMAND SEEKS INFORMATION  
TO WHICH HE IS NOT CONSTITUTIONALLY ENTITLED

In a preposterously broad demand for disclosure based on an apparently deliberate distortion of the rule of law established by the Supreme Court in Brady v. Maryland, 373 U. S. 83 (1963) and its progeny, defendant requests that the prosecution literally turn over its entire file to him.<sup>47</sup> Brady, of course, requires nothing of the kind.<sup>48</sup>

What Brady does require, where the issue is pre-trial disclosure of evidence, as distinguished from post-trial discovery, is that prosecutors, upon specific request, make available to the defense "evidence favorable to an accused... where the evidence is material either to guilt or punishment." Brady v. Maryland, supra, 373 U. S. at 87. Material evidence, for Brady purposes in the pretrial setting, has been defined by the Court as "evidence [which] creates a reasonable doubt which did not otherwise exist..." United States v. Agurs, supra n. 3, 427 U. S. at 112. The Government's Brady obligation is, therefore, much more narrowly drawn than defendant's elaborately embellished version of the Brady doctrine would make it appear.<sup>49</sup> In short, the Government must disclose, in response to a Brady demand made before trial, any evidence which might create a reasonable doubt not suggested by any other evidence. See United States

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<sup>47</sup> Defendant, in his motion, has "requested that the prosecution's file be produced in court and examined by the court and defense counsel..." (Defendant's Motion, p. 107).

<sup>48</sup> In United States v. Agurs, 427 U. S. 97 (1975), the Supreme Court's most recent and dispositive discussion of the Brady doctrine, the Court noted that it had "rejected the suggestion that the prosecutor has a constitutional duty to routinely deliver his entire file to defense counsel...". 427 U. S. at 111.

<sup>49</sup> Defendant's motion actually requests production of "any evidence in [the Government's] possession favorable or exculpatory to the accused" (Defendant's Motion, p. 98). That request is obviously well beyond anything ever realistically contemplated by Brady or Agurs.

v. Lemonakis, 158 U. S. App. D. C. 162, 185, 485 F.2d 941,  
964 (1973), cert. denied 415 U. S. 989 (1974).  
<sup>50/</sup>

The Government is fully aware of the Brady requirement that it disclose to the defense favorable information of such significance that it might create a reasonable doubt.  
<sup>51/</sup> The Government welcomes this constitutional responsibility and will execute it without hesitation. To the extent, however, that defendant's vague and general Brady demand seeks more than the constitutionally mandated disclosure of favorable information which is also material, as defined in Agurs, the Government declines to comply with

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<sup>50/</sup>The Government, therefore, need not disclose as defendant's expansive interpretation of Brady suggests it must, information that might possibly "have helped the defense, or might have affected the outcome of the trial." United States v. Agurs, supra n. 3, 427 U. S. at 111. Nor does the "impact of the undisclosed evidence on the defendant's ability to prpare for trial", 427 U. S. at 112 n. 20, have anything to do with a pre-trial Brady determination.

<sup>51/</sup>Defendant also moves that the Government be admonished that it has, under Brady, a continuing obligation to disclose favorable, material information (Defendant's Motion, p. 108). Since we recognize here that our obligation under Brady is a continuing one, no such admonition is now, if it ever was, necessary. See e.g., United States v. Ash, 413 U. S. 300, 320 n. 16 (1972). Defendant also seeks disclosure of Brady information before trial. The Government will, of course, make Brady disclosures either at trial or "at such time as to allow the defense to use the favorable material effectively in the preparation and presentation of its case, even if satisfaction of this criterion requires pre-trial disclosure" (citations omitted). United States v. Pollack, 175 U. S. App. D. C. 227, 236, 534 F.2d 964, 973, cert. denied 429 U. S. 924 (1976). See also United States v. Henry, 174 U. S. App. D. C. 88, 93, 528 F.2d 661, 666 (1976).

<sup>52/</sup>In Agurs, the Supreme Court noted that a general request for all Brady material or for anything exculpatory, such as defendant makes here, "really gives the prosecutor no better notice than if no request is made." 427 U. S. at 106-107.

it and submits that defendant's sweeping motions for discovery,  
thinly disguised as a Brady demand, should be denied by this  
court.

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<sup>53</sup>/As the Supreme Court has noted, "there is no general constitutional right to discovery in a criminal case, and Brady did not create one." Weatherford v. Bursey, 429 U. S. 545, 559 (1977).

XIX. RESPONSE TO DEFENDANT WILSON'S REQUEST  
FOR DISCOVERY OF GRAND JURY MATERIAL IN HIS  
"GRAND JURY DUE PROCESS" AND RELATED MOTIONS

The United States of America respectfully responds as follows to the defendant Wilson's Grand Jury Due Process Motion and related motions which seek discovery of matters occurring before the grand jury and attacks the grand jury procedure allegedly utilized in this case:

A. Discovery of Grand Jury Material - General Argument

Defendant seeks a wholesale disclosure of matters occurring before the grand jury that investigated this case and returned the instant indictment and gives as his reasons that: "[o]ver the past ten years, counsel has made a special study of grand jury due process" (Defendant's Motion, page 73) and that in order to "fully demonstrate these [unspecified] due process failures" (Id.) he requires some discovery of matters occurring before the grand jury.

In his requests, the defendant does not even appear to acknowledge the existence of the "long-established policy that maintains the secrecy of the grand jury proceedings in federal

courts." United States v. Procter and Gamble, 356 U.S. 677,  
54/  
681 (1958). See also Pittsburgh Plate Glass Co. v. United  
States, 360 U.S. 395 (1959).

When "disclosure is permitted, it is to be done 'discretely and limitedly,'" and one seeking disclosure must show a "particularized need" for such disclosure. Dennis v. United States, 384 U.S. 855, 868-875 (1966).

Clearly, the court is empowered under Rule 6(e)(3)(C)(i) of the Federal Rules of Criminal Procedure to order disclosure of grand jury testimony "preliminary to or in connection with a judicial proceeding" such as the trial in this case. See Dennis v. United States, supra, 384 U.S. at 870; Harris v. United States, 433 F.2d 1127, 1128, 140 U.S.App.D.C. 21, 23 (1970). The court may also order disclosure under Rule 6(e)(3)(C)(i) which provides for disclosure "when permitted by the court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury." Moreover, the Supreme Court and this Circuit have recognized "the growing realization that disclosure, rather than suppression, of relevant materials ordinarily promotes the proper administration of

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54/ The most recent statement by the Supreme Court on the rationale for maintaining grand jury secrecy can be found in Douglas Oil Company v. Petrol Stops Northwest, 441 U.S. 211, 219 (1979).

criminal justice." Dennis v. United States, supra, 384 U.S. at 870; Harris v. United States, supra, 433 F.2d at 1128, n.6, 140 U.S.App.D.C. 21, 22, n.6. In accordance with this thinking and with the established practice of the United States Attorney for this District, the Court of Appeals adopted the rule that:

the accused, upon seasonable request, shall be permitted, at the close of direct examination of each witness called by the Government, to inspect the grand jury testimony of the witness which is pertinent to the subjects addressed on direct examinations.

433 F.2d at 1129, 140 U.S.App.D.C. at 23.

In 1970 Congress amended the Jencks Act (18 U.S.C. § 3500) to include within its scope for the first time "a statement, however taken or recorded, or a transcription thereof, if any, made by said witness to a grand jury." 18 U.S.C. § 3500(e)(3). This action made it clear that a transcript of a witness' grand jury testimony is among those statements that are not subject to discovery "unto said witness has testified on direct examination in the trial of the case."

Of course, we intend to follow the law by disclosing to the defense grand jury transcripts of witnesses called to testify at a trial in this case at the appropriate time. Apart from such disclosure of such testimony to the defense, we vigorously oppose any further breach of the secrecy of grand jury proceedings in this case.

First,

. . . [T]he scope of the secrecy [with respect to grand jury matters] is necessarily broad. It encompasses not only the direct revelation of grand jury transcripts but also the disclosure of information which would reveal "the identities of witnesses or jurors, the substance of testimony, the strategy or direction of the investigation, the deliberations or questions of the jurors, and the like."

Fund for Constitutional Government v. National Archives and Records Service,  
656 F.2d 856, 870, U.S.App.D.C.,  
(1981), quoting from SEC v. Dresser Industries, 628 F.2d 1368, 1382-83, 202 U.S. App.D.C. 345, 359-60 (en banc), cert. denied, 449 U.S. 993 (1980).

Second, there is a presumption of regularity that attaches to grand jury proceedings, see Beverly v. United States, 468 F.2d 732, 743 (5th Cir. 1972), and to the "acts of public officials (e.g. prosecutors) in grand jury matters"; In re November 1979 Grand Jury, 616 F.2d 1021, 1027 (7th Cir. 1980). The defendant, therefore, has the burden of demonstrating that any irregularity in the proceedings occurred before any disclosure of grand jury matters may be ordered. United States v. Woods, 544 F.2d 242, 250 (6th Cir. 1977), cert. denied, 429 U.S. 1062 (1976); Universal Manufacturing Company, 508 F.2d 684, 685 (8th Cir. 1975); Beverly v. United States, supra. The defendant's claim of possible "due process" violation with respect to the grand jury proceedings in this case "amount to nothing more than unsupported speculation", United States v. Edelson, 581 F.2d 1290, 1291 (7th Cir. 1978), cert. denied, 440 U.S. 908 (1978), and are

but an expression of a generalized hope by [the defendant] that he might find some defect in the grand jury proceedings. Such 'fishing expeditions' do not provide sufficient grounds for disclosure prior to trial. 54A/

Thomas v. United States, 597 F.2d 656, 658 (8th Cir. 1979).

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54A/ See also Winchester v. United States, 407 F.Supp. 261, 277-278 (D. Del. 1975), wherein the following discussion of the presumption of regularity can be found.

Proceedings before a grand jury are generally accorded a strong presumption of regularity. 8 J. Moore, Federal Practice, § 6.05 at 6-53. The deductive reasoning employed by defendant in his effort to ferret out flaws in the grand jury proceedings relies upon baseless assumptions concerning the abilities of the grand jurors and the nature of the charges in the new indictment. The facile conclusions so engendered are more appropriately found in a Conan Doyle novel than a motion pursuant to Fed.R.Crim.P. 6(e). That rule requires that a particularized need be demonstrated before otherwise secret grand jury matters are revealed. United States v. English, 501 F.2d 1254, 1257 (7th Cir. 1974) (disclosure committed to discretion of trial judge; defendant must show particularized need); United States v. Perkins, 383 F.Supp. 922, 929, 930 (N.D. Ohio 1974) (superseding indictment regular on its face and particularized need not shown); United States v. Manetti, 323 F.Supp. 683, 694 (D. Del. 1971) (must show particularized need outweighing desirability of secrecy); United States v. Wolfson, 294 F.Supp. 267, 271-72 (D. Del. 1968) (must be more than "hunch"). Assertions based on vague allegations of unspecified "lawyer's charges" and conjectures concerning temporal probabilities are insufficiently particularized under the Rule to warrant a speculative inquiry into the genesis of an indictment which appears regular on its face. See United States v. Messite, 324 F. Supp. 334, 337 (S.D. N.Y. 1971). See generally, United States v. Budzanowski, 462 F.2d 443, 454 (3d Cir. 1972), cert. denied, 409 U.S. 949, 93 S.Ct. 271, 34 L.Ed. 2d 220 (1972); United States v. Slawik, 408 F. Supp. 190, 201 (D. Del. 1975).

The defendant does not even present any evidence or accusation that might warrant the court, in the interest of justice, to conduct an in camera inspection of some or all of the materials sought as in United States v. Hubbard, 474 F.Supp. 64 (D.C.D.C. 1979). See also, Dennis v. United States, supra, 384 U.S. at 874-875.

Finally, before addressing the defendant's individual requests for information, we must note that "[t]he grand jury's investigative power must be broad if its public responsibility is adequately to be discharged." United States v. Calandra, 414 U.S. 338, 344 (1974). Moreover, as the Court said in Branzburg v. Hayes, 408 U.S. 665 (1972);

"[T]he investigation of crime by the grand jury implements a fundamental governmental role of securing the safety of the person and property of citizen . . . " Id. at 700.

"The role of the grand jury as an important instrument of effective law enforcement necessarily includes an investigatory function with respect to determining whether a crime has been committed and who committed it . . . 'When the grand jury is performing its investigatory function into a general problem area . . . society's interest is best served by a thorough and extensive investigation.' Wood v. Georgia, 370 U.S. 375, 392 (1962). A grand jury investigation 'is not fully carried out until every available clue has been run down and all witnesses examined in every proper way to find if a crime has been committed.' United States v. Stone, 429 F.2d 138, 140 (CA2 1970). Such an investigation may be triggered by tips, rumors, evidence proffered by the prosecutor, or the personal knowledge of the grand jurors. Costello v. United States, 350 U.S. at 362. It is only after the grand jury has examined the evidence that a determination of whether the proceeding will result in an indictment can be made. Id., at 701-702.

For the above-stated reasons we submit that the defendant has not and cannot make a sufficient showing that he is entitled to most of the material he seeks. We will now respond to each of defendant's specific requests for information.

B. Discovery of Grand Jury Matters --  
Specific Requests

Numbers 1 and 5

Number 1. Any and all records or logs showing the attendance of the individual grand jurors who composed the grand jury which returned the indictment against the defendant.

Number 5. State whether any grand juror who voted to return the indictment was not continuously present when all the evidence underlying the indictment was presented to the grand jury.

For the above-stated reasons we decline to produce these records. Furthermore, we note that the defendant is presumably attempting to establish whether the grand jurors who voted to return the indictment in this case heard all of the evidence in the case. But "[n]either the Fifth Amendment <sup>55/</sup> nor Rule 6(f) [of the Federal Rules of Criminal Procedure] expressly states whether a grand juror must hear all the evidence presented before he or she can cast a valid vote for indictment."

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55/ Which provides in part that "[n]o person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury . . . ."

56/ Which provides that an "indictment may be found only upon the concurrence of 12 or more jurors."

United States v. Leverage Funding Systems, Inc., 637 F.2d 645, 648 (9th Cir. 1980), cert. denied, 452 U.S. 961 (1981). "Nothing requires that every juror voting to indict attend every session." Id. at 649. Accord, United States v. Barker, 675 F.2d 1055 (9th Cir. 1982); United States v. Cronic, 675 F.2d 1126 (10th Cir. 1982); See also, United States v. Colasurdo, 453 F.2d 585 (2d Cir. 1971), cert. denied, 406 U.S. 917 (1972). For this reason also we decline to produce these records.

Number 2. Disclose Whether or Not These Matters Were Presented to Any Other Grand Jury, Which Either Did Not Act Upon the Evidence, or Returned a No Bill.

Defendant cites no authority for the proposition that he is entitled to this information nor does he or can he suggest that he has reason to believe that if a grand jury heard evidence in this case and did not act upon the evidence or returned a "no bill" there was something improper in that procedure.

We will state that there were a number of successor grand juries that heard evidence in the lengthy and difficult investigation that led up to the original indictment by the October 1979 grand jury and the superseding indictment returned by the August 1980 grand jury. No grand jury has ever returned a "no bill" in this investigation and case with respect to this defendant. In any event, withdrawing a case from one grand jury and re-presenting it to another or successor grand jury is an accepted and proper procedure.

- Number 3. State whether any agent of the United States Attorney's office or witnesses, or any other person summarized the testimony or events furnished to the grand jury in connection with this case.
- Number 4. State whether the grand jury was specifically advised that it was receiving summarized or hearsay testimony which may be applicable under the preceding paragraph.
- Number 8. State whether any witness before the grand jury testified with regard to circumstances or transactions about which he had no personal knowledge and, if so, whether the grand jury was clearly advised that it was receiving hearsay information.
- Number 18. State whether any hearsay testimony was submitted to the grand jury.

For the above-stated reasons concerning the importance of maintaining the integrity and secrecy of the grand jury we decline to produce this information. Moreover, through his requests the defendant appears to suggest that there would be something improper about presenting hearsay evidence or summarizing testimony given to the grand jury. The defendant cites no authority for this proposition and, indeed, the cases do not support his position. See, Costello v. United States, 350 U.S. 359 (1956); Accord, Crump v. Anderson, 352 F.2d 649, 122 U.S.App.D.C. 173 (1965); United States v. Seifert, 648 F.2d 557 (9th Cir. 1980)

- Number 6. State what, if any, legal advice was given to the grand jury by the prosecution or court, including, but not limited to, the presumption of innocence, proof beyond a reasonable doubt, and the interpretation of the various statutes charged in this indictment, the evaluation of circumstantial evidence or hearsay proof, and any other rules with regard to the evidence presented in this case.
- Number 7. State specifically whether the entire grand jury process and proceedings, resulting in the indictment, were recorded, including the reference above to legal advice.
- Number 19. State whether the United States Attorney made any rulings regarding the admissibility of any evidence or the competence of witnesses before the grand jury.
- Number 20. Did the prosecutor explain to the grand jury any favorable treatment, "deals", grants of immunity or other leniency promised witnesses called before the grand jury?
- Number 21. The prosecution should disclose whether or not there were any off-the-record discussions in the presence of the grand jury which were not transcribed.
- Number 23. State specifically whether such legal advice, if any, given to the grand jury was recorded, and if a transcript thereof exists.
- Number 24. If a transcript of the legal advice given to the grand jury exists, the defendant requests a copy of it.

Any remarks made by the court to the grand jury by way of opening remarks or legal advice is a matter of public record and we, of course, do not contest defendant's right to have

access to such material. And, of course, the "Handbook for Federal Grand Jurors" is also available to the defense should they choose to inspect it. But, for the above-stated reasons concerning the importance of maintaining the integrity and the secrecy of grand jury proceedings we decline to provide any of the details of what legal advice was, in fact, given by the prosecutor to this grand jury. We will state, however, that all proceedings were recorded.

Number 9. Disclose the names and addresses of each of the grand jurors who heard evidence in connection with this case, and subsequently voted the indictment, and designate their sex.

For the above-stated reasons concerning the importance of maintaining the integrity and secrecy of the grand jury we decline to produce this information. Moreover, the defendant appears to be seeking information to challenge the composition of the grand jury through this request. The defendant does have the right to access to the master lists from which the jurors are drawn (See 28 U.S. Code § 1867(f)) to determine whether the "master lists from which [the defendant's] grand jury had been selected systematically excluded disproportionate numbers of people with Spanish surnames, students, and blacks", Test v. United States, 420 U.S. 28, 29 (1975). See also, Taylor v. Louisiana, 419 U.S. 522 (1975) (in which the court

disapproved the systematic exclusion of women from jury pools); United States v. Hubbard, supra, 474 F.Supp. at 85. While we have no objection whatever to defense counsel having access to pertinent information from the master list and qualification questionnaires of the entire juror pool from which the April 57/ 1978 grand jury was selected, the authorities cited above clearly dictate that defendant's motion for access to records of only those jurors who composed the specific grand jury be denied.

Number 10. State whether the proceedings involving this case at any time were conducted before fewer than sixteen grand jurors, or whether fewer than twelve grand jurors concurred in the indictment.

In accordance with Rule 6(a) of the Federal Rules of Criminal Procedure there was always at least sixteen (16) grand jurors present whenever testimony was taken or the grand jury was in session in this case and in accordance with Rule 6(f)

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57/ The juror qualification questionnaires contain, in addition to names and addresses, virtually all information pertinent to the issue of whether the juror pools were representative of a cross-section of the community, e.g., age, sex, race, marital status, occupation, citizenship, literacy, health, criminal records, education and grounds for exemption. Therefore, there can be no need for the defense to have access to the names and addresses of any grand juror, or any person named in the master lists or pools. There is, of course, a significant interest in protecting the privacy of citizens called upon to serve as jurors where there is no countervailing need to identify individual members of the master pools and since any and all information pertinent to a proposed motion under 28 U.S.C. § 1867(a) can be made available by giving access to copies of qualification questionnaires with names, addresses, and telephone numbers obliterated or concealed, we would strenuously oppose the disclosure of any information which would identify individual jurors or members of the master pools.

at least twelve jurors concurred in the indictment which was returned on August 6, 1981 before the Honorable Arthur Burnett, United States Magistrate. The transcript of the proceedings reveal that the Magistrate reviewed the poll sheet and other accompanying papers and concluded that they "show[ed] a sufficient number of votes of members of the Grand Jury for the actions involved". (Transcript of Grand Jury Indictment Return, page 4).

Number 11. Disclose the names and addresses of all those persons who were inside the grand jury room at any time when evidence relating to the defendant's case was being presented, including, but not limited to, the stenographer, court attendants, United States Attorneys, their assistants, or any persons other than the grand jurors themselves.

We will state that only authorized persons, pursuant to Rule 6(d) of the Federal Rules of Criminal Procedure, were present at any grand jury proceeding. The names of these individuals are not discoverable for the reasons stated above.

Number 12. State whether the indictment in its final form was drafted by the United States Attorney's Office and displayed to the grand jury before they voted its return.

Number 13. State whether the indictment in its final form was exhibited or read verbatim to each of the grand jurors who voted to return it before the vote was taken.

For the above-stated reasons concerning the importance of maintaining the integrity and secrecy of the grand jury we decline to produce this information. Suffice to say, we complied with Rule 6 of the Federal Rules of Criminal Procedure and with this Circuit's opinion in Gaither v. United States, 413 F.2d 1061, 1070-1071, 134 U.S.App.D.C.154, 163-164 (1969).

Number 14. State, as set forth with respect to each count of the indictment, the record of the grand jury's vote maintained for each count of the indictment.

Number 22. State with respect to each count of the indictment the record for the grand jury vote maintained pursuant to Rule 6 of the Federal Rules of Criminal Procedure.

The defendant clearly is not entitled to this information. It is enough to state that it is the practice of the United States Attorney to have grand jurors vote separately on each count as to each individual defendant in a given case.

Number 15. State the date the grand jury's investigation of the defendant or any other persons connected with this case began and state the date it was concluded.

Number 16. State whether there was any evidence accumulated in the investigation of this case which in any way related to these matters which was not presented to the grand jury and, if so, state the substance of that evidence.

Number 17. State the names and addresses of the witnesses who testified before the grand jury in this case and identify any and all documentary evidence presented to the grand jury.

Number 27. State whether the same evidence was presented to the second grand jury which returned the superseding indictment as that which was presented before the grand jury that returned the first indictment on April 23, 1980.

The defendant cites no authority for the proposition that he is entitled to this information and we decline to provide it for the reasons set forth above concerning the need to maintain the integrity and secrecy of grand jury proceedings.

Number 25. State whether the proceedings before the grand jury were stenographically transcribed in toto, and, if not, state what portion or part thereof was not transcribed.

All of the proceedings before the August 1980 Grand Jury were recorded and have been or are now being transcribed.

Number 26. State whether the grand jurors that returned the superseding indictment were the same as those who returned the first indictment on April 23, 1980.

They were not the same. The grand jury that returned the original indictment had been empanelled on October 1, 1979 and served for eighteen (18) months pursuant to Rule 6(g) of the Federal Rules of Criminal Procedure. The grand jury that returned the superseding indictment was empanelled on August 25, 1980, and likewise served for eighteen (18) months.

C. Related Grand Jury Motions

In addition to his general "Grand Jury Due Process" pleading, the defendant files eight separate and related pleadings. In our response to his Grand Jury Due Process pleading we have already addressed the issues he presents in all but one of his additional, related pleadings. That is, / we have responded above to the arguments and requests for discovery of grand jury material with respect to the issues of:

1. Misinstructions before the Grand Jury
2. Grand Jury continuity
3. Unauthorized persons before the Grand Jury
4. Leaving the indictment with the Grand Jurors
5. Summarizing of Testimony before the Grand Jury
6. Inspection of the Grand Jury Minutes pursuant to Rule 6(e)
8. Other Grand Jury deficiencies

With respect to pleading Number 7 -- "Failure to Present Evidence to the Grand Jury" -- we respectfully refer the Court to the following discussion found in United States v. Y. Hata and Company, Ltd., 535 F.2d 508, 512 (9th Cir. 1976), which we think is dispositive of defendant's claim:

We reject appellants' contentions that the prosecution must present the grand jury with evidence it may have which would tend to negate guilt. Although some states have imposed a duty on the prosecution to disclose such evidence (see, e.g., Johnson v. Superior Court, 15 Cal. 3d 248, 124 Cal.Rptr. 32, 539 P.2d 792 (1975)), the federal system continues to give wide discretion to the prosecution.

During a grand jury proceeding there is no right of cross-examination, or of introducing evidence to rebut the prosecutor's presentation. United States v. Levinson, 405 F.2d 971, 980 (6th Cir. 1968). As the Court stated recently in United States v. Calandra, 414 U.S. 338, 343-44, 94 S.Ct. 613, 618, 38 L. Ed. 2d 561, 569 (1974);

[A] grand jury proceeding is not an adversary hearing in which the guilt or innocence of the accused is adjudicated. Rather, it is an ex parte investigation to determine whether a crime has been committed and whether criminal proceedings should be instituted against any person.

This policy is based upon an abiding confidence in the jury trial system. "[T]he greatest safeguard to the liberty of the accused is the petit jury and the rules governing its determination of a defendant's guilt or innocence." Silverthorne v. United States, 400 F.2d 627, 634 (9th Cir. 1968).

For the above-stated reasons, we respectfully submit that the defendant's motions pertaining to "grand jury due process" and related issues should be denied.

XX. THE CLASSIFIED INFORMATION PROCEDURES ACT  
IS CONSTITUTIONAL ON ITS FACE AND DEFENDANT'S  
CHALLENGE TO ITS CONSTITUTIONALITY IS NOT RIPE  
FOR ADJUDICATION BECAUSE HE HAS NOT COMPLIED WITH IT

Without benefit of a single citation to supporting authority or any reference to specific facts or circumstances of this case from which his claim is purported to arise, "defendant challenges the constitutionality of the Classified Information Procedures Act on its face and as applied in this case." (Defendant's Motion, p. 113).<sup>58/</sup> Since defendant has failed to comply with the Act, which is clearly constitutional on its face, his challenge to it is not ripe for adjudication. Defendant's motion for a declaration that the Act is unconstitutional should therefore be denied.

1. Classified Information Procedures Act  
(18 U. S. C. Appx. III)

On October 25, 1980, then President Carter signed into law the Classified Information Procedures Act (18 U.S.C. Appx. III). The Senate report states that the purpose of the bill is to provide

pretrial procedures that will permit the trial judge to rule on questions of admissibility involving classified information before introduction in open court. This procedure will permit the government to ascertain the potential damage to national security of proceeding with a given prosecution before trial.

S. Rep. No. 96-823, 96th Cong., 2nd Sess., reprinted in U. S. Code Cong. and Ad. News 4294. After several days of hearings in March, 1978, the Subcommittee on Secrecy and Disclosure of the Senate Intelligence Committee found that

prosecution of a defendant for disclosing national security information often requires the disclosure in the course of

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<sup>58/</sup>Defendant fails to specify what relief he seeks, beyond a declaration that the Act is unconstitutional, or does he explain exactly how the Act infringes on "his right to adequately defend himself" or his "right of free speech." (Defendant's Motion, p. 113-114).

trial of the very information the laws seek to protect. Id. at 4295.

The Subcommittee recommended consideration of legislation which would

minimize the problem of so-called graymail<sup>59/</sup> - a threat by the defendant to disclose classified information in the course of trial-by requiring a ruling on the admissibility of the classified information before trial. Id.

Subsequently, the Subcommittee on Criminal Justice of the Senate Judiciary Committee held further hearings and drafted legislation (S. 1482), which was passed by the Senate Judiciary Committee on May 20, 1980.<sup>60/</sup> After conference, the House of Representatives passed the Senate version of the bill, on October 2, 1980.

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<sup>59/</sup>At a hearing in this case on July 21, 1982, defendant's own counsel characterized one aspect of the defense as "graymail," the very practice which the Act seeks to regulate.

[Mr. Fahringer] The other, of course, and the most troublesome issue in this case is, of course, the one of the graymail matter.

Obviously, for Mr. Wilson to adequately defend himself, he would have to disclose what authority he had to do what he did and the information that he was supplying to highly sensitive government agencies which I think is going to have rather severe ramifications. (Transcript of Proceedings, July 21, 1982, p. 27, lines 6-12)

<sup>60/</sup>It is of interest to note, in the context of defendant's assertion that the Act infringes on his First Amendment right to free speech, that S. 1482, which was passed instead of a House version of the bill after a conference committee, had the "support of the Justice Department, all the intelligence agencies, the Association of Foreign Intelligence Officers, the American Civil Liberties Union, and the American Bar Association. S. Rep. No. 96-283, 96th Cong., 2nd Sess., reprinted in U. S. Code Cong. and Ad. News, 4296 (emphasis provided).

The Act, as the Senate Report summarized its most important provisions, attempts to resolve the "disclose or dismiss" dilemma,<sup>61/</sup>

by requiring a defendant who reasonably expects to disclose or to cause a disclosure of classified information in connection with any trial or pre-trial proceeding to notify the Government prior to trial, when possible. The Government can then move for a hearing to determine whether the information can indeed be disclosed by the defendant in the course of a trial. Following such a hearing, which would ordinarily be before trial, the court determines whether and the manner in which the information at issue may be used in a trial or pre-trial proceeding. If the defendant's right to a fair trial will not be prejudiced, the court may allow the Government to substitute a statement admitting relevant facts that the specific classified information would tend to prove or to substitute a summary of the specific classified information. If the Government objects to an order requiring disclosure, the court may impose a sliding scale of sanctions against the Government, including finding against the Government on issues related to undisclosed evidence or dismissing the action. The Government is authorized to take interlocutory appeals, thus remedying the present situation in which the Government, even when faced with a district court ruling it believes to be wrong, must either compromise the national security information by permitting its disclosure at trial or withhold the information and jeopardize the prosecution. *Id.* at 4297-98.

In short, the Act sets up procedures which harmonize, the defendant's right to a fair trial, where disclosure of classified information is necessary to his defense, with the government's right to protect classified information even within the context of a criminal prosecution.

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<sup>61/</sup>Testimony of Assistant Attorney General Phillip Heymann before the Senate Subcommittee on Criminal Justice, February 7, 1980. S. Rep. No. 96-283, 96th Cong., 2nd Sess., reprinted in U. S. Code Cong. and Ad. News, 4294, 4297.

2. Since Defendant Has Not Complied With the Act  
His Constitutional Challenge to It Is Not Ripe  
for Adjudication

In his motion, defendant claims to have "complied with the Classified Information Procedures Act" (Defendant's Motion, p. 113), presumably by making this general statement:

Pursuant to §5 of the Classified Information Procedures Act, the defendant wishes to notify both the court and the United States Attorney that he expects to disclose classified information in the course of the conducting (sic) of pretrial hearings and, if necessary, in the defense of these charges at the time of trial. The information which it will be necessary for Mr. Wilson to disclose is highly secret material acquired while he was working with the CIA and other government intelligence agencies. This information will form an essential part of his defense and, therefore, will have to be disclosed either at trial or in the course of certain pretrial hearings.  
Id.

The vague statement does not constitute compliance with the notice provisions of the Act.

Section 5(a) of the Classified Information Procedures Act, 18 U. S. C., Appx. III, provides:

§5. Notice of defendant's intention to disclose classified information

(a) Notice by defendant.—If a defendant reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with any trial or pretrial proceeding involving the criminal prosecution of such defendant, the defendant shall, within the time specified by the court or, where no time is specified, within thirty days prior to trial, notify the attorney for the United States and the court in writing. Such notice shall include a brief description of the classified information. Whenever a defendant learns of additional classified information he reasonably expects to disclose at any such proceeding, he shall notify the attorney for the United States and the court in writing as soon as possible thereafter and shall include a brief description of the classified information. No defendant shall disclose any information known or believed to be classified in connection with a trial or pretrial

proceeding until notice has been given under this subsection and until the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 6 of this Act, and until the time for the United States to appeal such determination under section 7 has expired or any appeal under section 7 by the United States is decided.  
(emphasis provided)

While defendant has advised that he will attempt to "graymail" <sup>62/</sup> the United States, he has never provided, either formally or informally in discussions with government attorneys, any description, as required by Section 5, of the classified <sup>63/</sup> information which he claims he will disclose at trial or prior to it. Until defendant complies with the Act, he can have no constitutional claim that is ripe for adjudication. Insofar as defendant moves to have this Court declare the Classified Information Procedures Act unconstitutional before he complies with it, he seeks an advisory opinion of the kind which Federal courts have consistently declined to render.

Such opinions, such advance expressions of legal judgment upon issues which remain unfocused because they are not pressed before the court with that clear concreteness provided when a question emerges precisely framed and necessary for decision from a clash of adversary argument exploring every aspect of a multifaceted situation embracing conflicting and demanding interests, we have consistently refused to give.

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62/See note 59, supra.

63/Defendant's statements to the media in this regard have been generally more colorful in their characterization but equally vague.

United States v. Fruehauf, 365 U.S. 146, 157 (1962). See also North Carolina v. Rice, 404 U.S. 244, 246 (1971) (per curiam); Aetna Life Insurance Co. v. Haworth, 300 U. S. 227, 240-41 (1937).

At an absolute minimum, defendant has a responsibility  
<sup>64/</sup> to represent to the Court and the United States, with regard, for instance to his free speech claim: what classified information he wishes to disclose; to whom he wishes to disclose it; how the Act (as distinguished, for example, from 18 U.S.C. 798, which governs unauthorized disclosure) prohibits him from doing that; and why that particular prohibition is unconstitutional. Similarly, with regard to his claim that the Act hampers his defense, defendant should, at the very least, answer the same questions before he asks this Court to make a constitutional ruling. What classified information does the Act either compel him to disclose or prohibit him from disclosing without following its procedures? How, specifically, do the limitations of the Act on disclosing this particular information, or the procedures to be followed under the Act in connection with such disclosure, hamper his defense under the circumstances of this case? Without these specifics, defendant's motion for a ruling on the constitutionality of the Classified Information Procedures Act seeks an impermissible advisory opinion, and until he provides

<sup>64/</sup>Even defendant's representations would probably not be enough to create

a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts.

Aetna Life Insurance v. Haworth, supra, 300 U. S. at 240-41. For his claim to be ripe, defendant must actually comply with the Act.

them, this Court should not render such an opinion. See United States v. Fruehauf, supra.

3. The Classified Information Procedures Act Is Not Unconstitutional On Its Face And Defendant's Pleadings Provide Insufficient Information For The Court to Determine If the Act Is Unconstitutional as Applied

Defendant contends that the Classified Information Procedures Act is unconstitutional on its face. It is not. A statute which seeks to regulate a constitutionally protected activity is not unconstitutional on its face so long as its impact is confined to "narrowly limited classes of [that activity]," Chaplinsky v. New Hampshire, 315 U. S. 568, 571 (1942) and so long as it regulates the protected activity only to the minimum extent necessary to further legitimate governmental interests. See Grayned v. City of Rockford, 408 U. S. 104, 120 (1971). Because the Classified Information Procedures Act limits a very narrow category of free speech, the disclosure of classified information within the context of a criminal trial, and does so in the most unobtrusive way sufficient to accomplish the clearly legitimate governmental purpose of protecting such information in the interests of national security, it is not, as defendant contends, unconstitutional on its face. See Gooding v. Wilson, 405 U. S. 518 (1971); United States v. O'Brien, 391 U. S. 367 (1967); Stromberg v. California, 283 U. S. 359 (1930).

65/The irony of the defendant, a former agent of the Central Intelligence Agency, now contending before this Court that legitimate prohibitions on the disclosure of classified information are unconstitutional is not lost on the Government.

Despite the absolute language of the First Amendment, the courts have consistently held that the constitutionally protected right to free speech, particularly where it may involve national security, is not without limitations. Near v. Minnesota, 283 U. S. 697, 708 (1930). Where a compelling governmental interest<sup>66/</sup> has conflicted with an individual's right to free expression, the courts have determined, albeit with understandable reluctance, that limitations on individual expression are permissible. See e.g., Haig v. Agee, 453 U. S. 280, 308 (1981) (passport revocation where holder in his travels was disclosing identities of United States intelligence agents); Snepp v. United States, 444 U. S. 507, 509 n. 3 (1980) (constructive trust imposed on profits from book authored by former Central Intelligence Agency employee in violation of secrecy agreement with Agency); United States v. Marchetti, 466 F.2d 1309 (4th Cir.) cert. denied, 409 U.S. 1063 (1972) (Marchetti I); Alfred A. Knopf, Inc., v. Colby, 509 F.2d 1362 (4th Cir.) cert. denied, 421 U. S. 992 (1975) (Marchetti II) (secrecy agreements between intelligence agency and employees not violative of First Amendment); United States v. Progressive, Inc., 467 F. Supp. 990 (W. D. Wisc, 1979) (magazine enjoined from publishing classified information on hydrogen bomb despite prior restraint considerations).

Moreover, the Act limits First Amendment rights,

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66/ "It is 'obvious and inarguable' that no governmental interest is more compelling than the security of the Nation." Haig v. Agee, supra, 453 U. S. at 302 (citing Aptheke v. Secretary of State, 378 U. S. 500, 509 (1964). See also, Cole v. Young, 351 U. S. 536 (1956); Kennedy v. Mendoza-Martinez, 372 U. S. 144 (1962).

as its legislative history shows, only to the extent necessary to protect that interest while maintaining a balance with a criminal defendant's constitutional rights. Defendant's motion for a declaration from this Court that the Classified Information Procedures Act is unconstitutional on its face should, therefore, be denied even if the issue were, and it is not, ripe for adjudication.

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67/We are at a loss to respond to or even understand defendant's contention that the Act is unconstitutional as applied since defendant provides no specifics whatever with regard to this claim. When defendant designates exactly which limitations of the Act on disclosure to whom of what specific classified information infringe on his constitutional rights and how he is prejudiced by those limitations, we will respond appropriately.

WHEREFORE, for the reasons stated herein, the United States responds to and opposes the defendant's motions and requests appropriate relief.

Respectfully submitted,

*Stanley S. Harris*  
STANLEY S. HARRIS  
United States Attorney

*E. Lawrence Barcella, Jr.*  
E. LAWRENCE BARCELLA, JR.  
Assistant United States Attorney

*Carol E. Bruce*  
CAROL E. BRUCE  
Assistant United States Attorney

*Richard C. Otto*  
RICHARD C. OTTO  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that copies of the foregoing motion were mailed to John A. Keats, Esquire, 1503 21st Street, NW, Washington, D. C.; and Herald Price Fahringer, Esquire, 540 Madison Avenue, New York, New York on this 8th day of September, 1982.

*E. Lawrence Barcella, Jr.*  
E. LAWRENCE BARCELLA, JR.



United States Department of Justice  
OFFICE OF THE UNITED STATES ATTORNEY  
WASHINGTON, D.C. 20530

IN REPLY PLEASE REFER TO  
INITIALS AND NUMBER

ADDRESS ALL MAIL TO  
UNITED STATES ATTORNEY  
ROOM 1105-C  
UNITED STATES COURT HOUSE BUILDING  
3RD AND CONSTITUTION AVENUE NW

June 5, 1981

John A. Keats, Esquire  
Margolius, Davis and Finkelstein  
1120 Connecticut Avenue, N.W.  
Suite 1105  
Washington, D.C. 20036

ATTACHMENT A

Dear John:

Over the past many weeks, you have had a number of conversations with both myself and AUSA Carol Bruce regarding your client, Edwin P. Wilson. Both AUSA Bruce and I have discussed the matter at length with Charles F. C. Ruff, the United States Attorney. With regard to the recent proposal that we meet with Mr. Wilson in Italy, I think it is appropriate to outline the conditions under which such a meeting could take place.

As you know, we have previously told you that the Department of Justice is not, at this time, in a position to negotiate with Mr. Wilson concerning the disposition of his pending charges and any potential charges. Since the inception of our discussions with you concerning Mr. Wilson's situation we have emphasized the need for some show of good faith on Mr. Wilson's behalf before we would be willing or able to enter into any negotiations with Mr. Wilson or make any promises to him about his criminal case(s). For reasons that we have already discussed, but need not reiterate here, we are unable to say that Mr. Wilson has, to date, made such a demonstration of good faith to us.

Your present proposal of a meeting with Mr. Wilson is greeted with some skepticism by us for without the precedent of a "good faith" showing by Mr. Wilson we cannot be assured that any meeting with him is going to be even marginally productive or worthwhile. Nevertheless, we recognize the fact that such a meeting might break the stalemate that presently exists. If the meeting can be arranged under the following condition (and under any other mutually acceptable conditions imposed by the government of Italy) it is possible that such a meeting may set the stage for some future negotiations and settlement of the criminal matters Mr. Wilson is implicated in.

John A. Keats, Esquire  
Page Two

(1) the Justice Department, through the auspices of the Department of State, will make appropriate efforts to ensure that Mr. Wilson could travel into Italy for a period of 72 hours to meet with us. We would attempt to make such arrangements with the Italian Government and would obviously let you know about the results of such arrangements before any meeting would be set.

We expect that the U.S. representatives attending any meeting with Mr. Wilson in Rome will be myself, Carol Bruce, legal attache assigned to the U.S. Embassy in Rome, and possibly an F.B.I. agent from the United States.

(2) During the period of time that Mr. Wilson is meeting with us in Italy, assuming there are no problems independent of this case, no efforts will be made to arrest, detain, deport or extradite Mr. Wilson from Italy to the United States.

(3) The first matter of discussion at such a meeting would be Mr. Wilson providing us with all knowledge within his possession regarding the past, present and future whereabouts of Jose Dionisio Suarez and Virgilio Paz. The United States will be immediately free to act upon that information to try and apprehend those two fugitives.

(4) If the information concerning the above fugitives is truthful and accurate, it will constitute a demonstration of good faith on Mr. Wilson's part. However, it is understood that the United States is not obligated to promise anything in return for this information.

(5) Following the delivery of the fugitive information, Mr. Wilson will submit to a full debriefing by the representatives of the United States on topics of our choosing and additional topics of Mr. Wilson's choosing.

Of course, any statements Mr. Wilson makes to us will not be used directly against him in any criminal prosecution by the United States of him.

John A. Keats, Esquire  
Page Three

However, any leads that are developed as a result of anything your client says to us will be fully investigated and any evidence that is developed from your client's statements or these leads can and will be used against him in any criminal prosecution if we cannot negotiate a settlement at some later date. In essence, this is a qualified grant of informal immunity by this office. We are promising only that we will not directly use Mr. Wilson's statements to us against him at any future criminal proceeding brought in our name. You must appreciate the fact that for obvious reasons we simply cannot agree to grant your client any more protections than what we have outlined here. As I have indicated to you previously, we have a number of other potential charges against Mr. Wilson and we will not decline to fully pursue them simply because of this meeting. You should also understand that the degree of Mr. Wilson's candor will most certainly be a significant factor in any future decision to negotiate with him.

(6) After we have fully debriefed Mr. Wilson, we will return to the United States and talk with officials in this office and the Department of Justice to determine what, if any, offer of disposition is appropriate in light of the information provided by Mr. Wilson.

Thus, the only obligations on the part of the United States with respect to the proposed meeting are (a) that we will make arrangements for Mr. Wilson's entry into Italy and will not seek to have him arrested during the period of time of our meetings; and (b) the statements that he makes to us at this meeting will not be directly used against him. Beyond that, no promises or obligations accrue to the United States as a result of this meeting.

On Mr. Wilson's behalf, he must (1) agree to travel to Italy on his U.S. passport, (2) agree to meet with us and with no other persons except with our explicit approval while in Rome and (3) provide us in advance with the name of the hotel where he intends to stay while in Rome with his complete travel itinerary.

If the conditions and understandings set forth in this letter are acceptable to you and your client, then we can undertake the necessary arrangements for the

*John A. Keats*

John A. Keats, Esquire  
Page Four

meeting. We anticipate that such arrangements could be worked out in less than two weeks. Please contact us upon receipt of this letter so that we can discuss the matter more fully.

Sincerely yours,

CHARLES F. C. RUFF  
United States Attorney

By: *E. Lawrence Barcella Jr.*

E. LAWRENCE BARCELLA, JR.  
Assistant United States Attorney  
Deputy Chief, Major Crimes Div.  
Telephone: (202) 633-1708



U.S. Department of Justice  
Criminal Division

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Deputy Assistant Attorney General

Washington, D.C. 20530

February 5, 1982

Mr. Edwin Wilson

ATTACHMENT B

Dear Mr. Wilson:

As you are aware, we have had communications with Mr. Ernest Kaiser as to your situation.

We are not able to pursue these matters with you while you remain in Libya. We are sure that under all the circumstances you can appreciate our position.

Sincerely,

*Mark Richard*

Mark Richard  
Deputy Assistant  
Attorney General  
Criminal Division



United States Department of Justice  
OFFICE OF THE UNITED STATES ATTORNEY  
WASHINGTON, D.C. 20530

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FOR THE ADVANCEMENT  
OF KNOWLEDGE

July 13, 1931

John A. Keating, Vice  
Chairman, Executive Committee  
H. D. Cooper, Secretary-Treasurer  
John C. H. Smith, Auditor

**ATTACHMENT C**

Poisson distributions

Following our action, we have had a talk with you and your client, Mr. Tolson, to explain fully and to apprise to him what our understanding was going into the meeting and with our written findings in mind. The findings have been completely written up and carry from just clear at the conclusion of the meeting with Mr. Tolson a number of the points referred to above.

Latitude of your receiver when Mr. Willson proposed the idea of telegraphing in code, it could not see the utility of it as we were not permitted to use Mr. Willson truly intended to have had ready his legal notes here in the Phil. Leg. office. So you can see, as far as I went to "do" with Mr. Willson in the treat, I now consider the word until very well as it has been hit out to me lately, and will wish to add that I would still consider it as a reasonable latitude to have my previous offering taken into account, his previously examined, to obviate a repetition in my own words, if fully developed, being of no value in my case.

referred to above, and a whole series of the  
most important effects of the war will be  
described in "Good Friday". There is no need to go into the  
details of the two German invasions, as they were  
well known at the time of the war. The  
first invasion was in 1914, and the second in

John A. Keeler, Mayor  
People Two

This was not the case. However, we were under the impression that he was not utilizing the efforts which he had previously used to attempt to penetrate the fortifications. It was not until a few days later we traveled to him that we learned that Wilson was now fully utilizing \*in his efforts to find the fortifications.

In Rome we told you, your client and at  
why we felt Wilson's use of was quite inappropriate  
and was unacceptable to this government. We feel Mr. Wilson  
acted in the public and has again in this instance used decep-  
tion and coercion in persuading to embark upon a  
dangerous and potentially compromising fact finding mission.  
For instance, it was incredible to us that Wilson and his  
representatives failed to believe Wilson would  
receive immunity for locating the Letter fugitives and  
recovering of the letter. We do not want to have  
the letter returned to Mr. Wilson and that nothing

With much pleasure I have written to Mr. Hilditch,  
and will be happy to see him at the office on his return.  
I hope you will be able to get a good number of  
books from the library, and if so, I will be happy to  
have them sent to you by express. I am sending  
you two or three books now, and will send more  
when you can get time to go to the library.  
I hope that you will be able to get a good  
number of books from the library, and if so,  
will be happy to have them sent to you by  
express.

Mr. Wilson. This is a subject which we must not neglect, because it is a future effort to get the United States to have a seat in the League of Nations, and to have influence in the League. The American people have been represented by our appropriate components of the United States Government. Now, if you were not satisfied with the conduct of our Ambassador, you may say that he was not good enough, and that we must find another; or you may say to others, John [unclear] is not good enough.

\* For reasons of safety, the name of the individual has been deleted.

John A. Roche, Captain  
Page Thirty

Mr. Wilson also indicated to us that he would answer questions put to him by us in a creditable and forthright manner. We believe that he was less than candid and certainly incomplete in the answers that he provided to us in Rome. Since Mr. Wilson had acknowledged that he fully rec'd, understood and accepted our Letter of August 19, 1941 and the conditions laid out therein, we were compelled to advise him that his complete silence will not be condonable.

While we are willing, at present, to maintain a dialogue through you, please understand that our efforts to apprehend Mr. Wilson under circumstances of our choosing will not abate and at their instance we will make every effort to continue his residence in Brazil until his apprehension and his trial.

Very truly yours

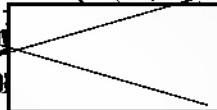
W. C. R.

W.C.R.

W. C. R.  
William C. Rutherford  
Special Agent in Charge

W. C. R.  
William C. Rutherford  
FBI - Special Agent in Charge  
U.S. Department of Justice  
Washington, D. C. 20535

~~SECRET~~ *Open*

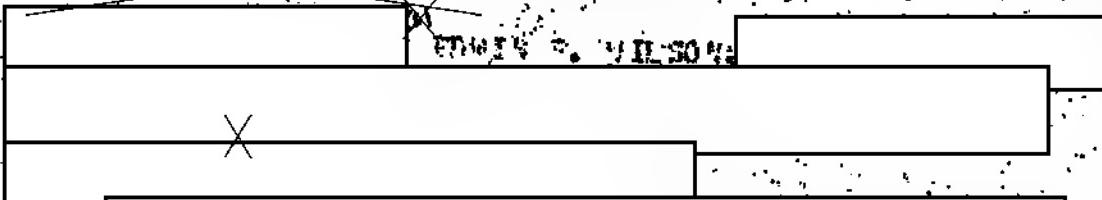
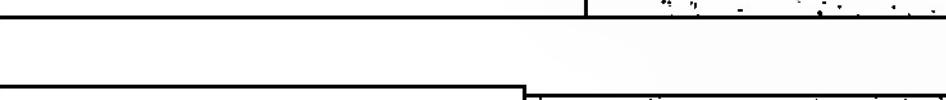
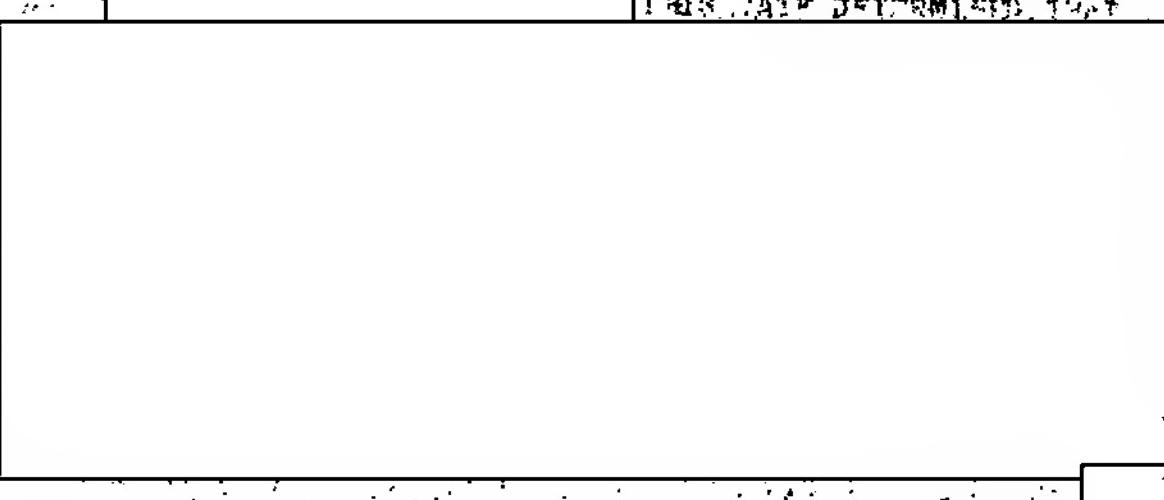
*Classified by*  
*Declassify or* 

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~ b3 -1

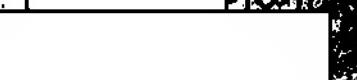
b6 -1, -2  
b7C -1, -2  
b7E -1

~~CONFIDENTIAL~~

ETD/EW: 2. VILSON

  
  
 THIS DATE DETERMINES THAT

b7D -3  
b7E -14

 SEARCHED  
 SERIALIZED

b3 -1  
b6 -1  
b7C -1  
b7E -1

FBI - ALEXANDRIA 

1515  
3-83 

~~SECRET~~

~~SECRET~~

X (S)

ADVISED THIS

WITNESS

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -3  
b7E -1, -14

b3 -1  
b6 -4  
b7C -4  
b7D -3  
b7E -1

b3 -1  
b7E -1

1398

JCS

~~SECRET~~

FBI(21-cv-5450)-14732

FEDERAL BUREAU OF INVESTIGATION

9/9/82

Date of transcription...

~~This entire communication is being classified~~  
~~Secret - No Foreign Dissemination.~~

On the morning and afternoon of this date, [redacted] was interviewed at the office of ASSISTANT UNITED STATES ATTORNEY (AUSA) [redacted] in the United States District Court (USDC) building, 3rd and Constitution Avenues, Northwest, Washington, D.C.

Present during this interview were the following persons. AUSA [redacted] Washington, D.C.; AUSA [redacted] Washington, D.C. (He was in and out of the interview room during the course of the interview on occasions.); AUSA [redacted] Washington, D.C. (She left the interview room at 11:04 AM.); AUSA [redacted] Alexandria, Virginia; Special Agent (SA) [redacted] Federal Bureau of Investigation (FBI), Alexandria, Virginia; SA [redacted] FBI, Alexandria, Virginia; SA [redacted] FBI, Alexandria, Virginia.

At the outset, AUSA [redacted] introduced [redacted] to the various federal officials present, and told [redacted] of the nature of the proposed interview.

After this, SA [redacted] provided [redacted] with an "Interrogation; Advice of Rights" form (FD-395), which [redacted] read over and signed the "Waiver of Rights" portion. He indicated to SA [redacted] that he could read and write, and after he signed the form, SA [redacted] went over each part of the form with him. He indicated that he fully understood the content of the form and signed it with such understanding.

b6 -1, -4  
b7C -1, -4  
b7D -1

Investigation on 9/30/82 at Washington, D.C. File # Alexandria [redacted] 1399

SA [redacted] SA [redacted] Date dictated 8/31/82  
by SA [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FBI(21-cv-5450)-14733

NO FOREIGN DISSEMINATION

~~412070~~

~~is appropriate Agency.~~

~~is Navy.~~

b6 -1  
b7C -1

per(s) appropriate agency hand delivered copy 6-6-88, classification has been noted on serial.



AX

2

[redacted] thereafter provided the following information:

Full Name:

Alias:

Race:

Sex:

Date of Birth:

Place of Birth:

Social Security

    Account Number:

Residence:

Telephone:

Citizenship:

Present Employment:

b6 -2  
b7C -2  
b7D -1

Family Members:

Father:

Mother:

b6 -2  
b7C -2  
b7D -1

~~NO FORMS OR STATIONERY~~

AX

3

b3 -1  
b7E -1

Education:

Passport: b7D -1

Vehicles:

b6 -2  
b7C -2  
b7D -1

~~per set (\$)~~

~~per set (\$)~~

~~EDUCATION~~

AX [redacted]

4

~~NO FURTHER INFORMATION~~

b3 -1  
b7E -1

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

At that point, he was contacted by two individuals  
who identified themselves as [redacted]

[redacted] He said he subsequently  
determined that [redacted] He  
never did learn the last name of [redacted] [redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

[redacted]  
per S-1 (S)

b6 -2  
b7C -2  
b7D -1

~~NO FURTHER INFORMATION~~

AX

5

b3 -1  
b7E -1

[REDACTED]

[REDACTED]

[REDACTED] ~~(S)~~

[REDACTED]

[REDACTED] ~~(S)~~

[REDACTED]

[REDACTED] ~~(S)~~

per

[REDACTED]

[REDACTED] ~~(S)~~ ~~(S)~~

[REDACTED] ~~(S)~~

[REDACTED]

[REDACTED] ~~(S)~~

[REDACTED] ~~(S)~~ ~~(S)~~

[REDACTED] ~~(S)~~ ~~(S)~~

b6 -2  
b7C -2  
b7D -1

b6 -2  
b7C -2  
b7D -1

b7D -1

AX

6

TETRAGRAM

b3 -1  
b7E -1

200

(4) per.S.E.

— 1 —

b6 -2  
b7C -2  
b7D -1

b6 -2  
b7C -2  
b7D -1

AX [redacted]

7

~~CONFIDENTIAL~~  
b3 -1  
b7E -1

[redacted]  
[redacted]  
[redacted]  
[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]  
[redacted]  
[redacted]  
[redacted] He believes that  
[redacted]  
[redacted]  
[redacted]

b7D -1

[redacted] said that he had heard of [redacted] from  
[redacted]  
[redacted] said that [redacted]  
[redacted]

~~NO FURTHER DETERMINATION~~

b3 -1  
b7E -1

AX [redacted]

8

~~NO FOREIGN DISSEMINATION~~

[redacted] recalled that [redacted]  
[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted] said he subsequently told [redacted]  
[redacted]

b6 -2  
b7C -2  
b7D -1

provided this information on this date. [redacted]

b6 -2  
b7C -2  
b7D -1

~~NO FOREIGN DISSEMINATION~~

FBI(21 cv 5450) 14/41

AX [redacted]

9

~~ALL INFORMATION CONTAINED~~  
b3 -1  
b7E -1

[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]

[redacted]

[redacted] said the only information he has about [redacted]

[redacted]

[redacted]

b6 -2  
b7C -2  
b7D -1

as [redacted] recalled that [redacted] referred to [redacted]

[redacted] said that [redacted] was a friend of [redacted]  
[redacted] was a friend of [redacted] that [redacted]

is now [redacted] knew [redacted]

[redacted] said he never heard of [redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]

[redacted]

per S-1 (S)

~~ALL INFORMATION CONTAINED~~

FBI(21-cv-5450)-14742

AX [redacted]

10

b3 -1  
b7E -1

He recalled that [redacted]  
[redacted]

[redacted] In this regard, he remembered that [redacted]  
[redacted]

[redacted] indicated that his relationship with  
[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]  
[redacted]  
[redacted]  
[redacted]

b6 -2, -4  
b7C -2, -4  
b7D -1

[redacted]  
[redacted]

[redacted]  
[redacted]

~~DO NOT~~ ACTION

FBI(21-cv-3450)-14743

AX [redacted]

11

b3 -1  
b7E -1

[redacted]  
[redacted] The conversation included talk  
[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted] He recalled that [redacted]  
[redacted]

b6 -2  
b7C -2  
b7D -1

~~NO FORX~~ ~~100%~~

FBI(21-cv-5450)-14744

AX [redacted]

12

b3 -1  
b7E -1

[redacted]

After this discussion with [redacted]

[redacted] but he does [redacted]  
NOT KNOW WHO THIS INDIVIDUAL WAS.)

talked about with [redacted] did not tell [redacted] what they  
[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

:

[redacted]

[redacted]

b6 -2  
b7C -2  
b7D -1

~~NO FURTHER INFORMATION~~

FBI(21-cv-5450)-14745

AX

13

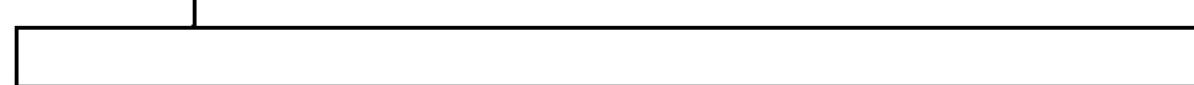
~~CONFIDENTIAL~~

b3 -1  
b7E -1



[REDACTED] said that he has not heard from [REDACTED]

b6 -2  
b7C -2  
b7D -1



~~CONFIDENTIAL~~

AX

14

b3 -1  
b7E -1

to his knowledge.

He said that

b6 -2  
b7C -2  
b7D -1

from an individual who was called [redacted] This individual said that as far as [redacted] knows, he said that [redacted]

b6 -2  
b7C -2  
b7D -1

said he never had any conversation with a

and be talked with an individual named regarding

for  $S \leftarrow 1(S)$

~~NO FOREIGN SEDIMENTATION~~

AX [redacted]

15

~~EXPLANATION~~

b3 -1  
b7E -1

[redacted]  
know [redacted]

He does not

~~per S(1)(5)~~

[redacted] said that [redacted] was a source of information

[redacted] which gave access to information

~~per S(1)(5)~~ [redacted]

[redacted]  
he found out that

[redacted] it was in connection with this that

[redacted] He recalled that

recalled that [redacted]

[redacted] knows [redacted] through [redacted] and [redacted]

b6 -2  
b7C -2  
b7D -1

[redacted] indicated that

NO 761

~~EXPLANATION~~

AX [redacted]

16

~~NO FOREIGN INFORMATION~~

b3 -1  
b7E -1

[redacted]  
[redacted] cannot recall [redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]  
that [redacted] No recalled

b6 -2  
b7C -2  
b7D -1

[redacted]  
[redacted]

~~NO FOREIGN INFORMATION~~

AX

17

~~NO FORIEGN INFORMATION~~

b3 -1  
b7E -1

[REDACTED]

~~NO FOREIGN INFORMATION~~

FBI(21-cv-5450)-14750

AX [redacted]

18

b3 -1  
b7E -1

[redacted]

[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]

[redacted]

[redacted]

b6 -2  
b7C -2  
b7D -1

[redacted]

[redacted]

[redacted]

[redacted] *see S(1)(B)*

most recent contact with [redacted] was

[redacted]

b6 -2  
b7C -2  
b7D -1

*S(1)(B)*

~~NO TEL INFORMATION~~

FBI(21-cv-5450)-14751

AX [redacted]

19

b3 -1  
b7E -1

[redacted]

[redacted] ~~(u)~~

[redacted]

[redacted] [per S-1(u)]

[redacted] per S-1(s)

[redacted]

[redacted]

[redacted]

[redacted]

b6 -2  
b7C -2  
b7D -1

~~NO TEL INFORMATION~~

AX

20

b3 -1  
b7E -1

b6 -2  
b7C -2  
b7D -1

~~(b)(6)~~  
~~(b)(7C)~~  
~~(b)(7D)~~

[redacted] He said that [redacted]

b6 -2  
b7C -2  
b7D -1

[redacted] thinks he met this individual [redacted]

[redacted] does not know this person.

~~NO FOPEL INFORMATION~~

FBI(21-cv-5450)-14753

AX [redacted]

21

b3 -1  
b6 -2  
b7C -2  
b7D -1  
b7E -1

[redacted] He does not know [redacted]

[redacted] per S-1(S)

[redacted] He indicated

that [redacted]

~~now~~ S-1(S)

[redacted] per S-1(S)

b7D -1

(It is noted that on the evening of this date AUSA [redacted] telephonically contacted SA [redacted] and said that had, after the conclusion of this interview on this date, told him that he recalled that [redacted])

b6 -1, -4  
b7C -1, -4  
b7D -1

said that [redacted] was providing this information as he wanted to be sure the record was accurate.)

AX [redacted]

22

(The interview of [redacted] on this date commenced at approximately 10:40 a.m., and went to 1:50 p.m., when a break was taken for lunch. The interview was continued at 2:30 p.m., and completed at 3:45 p.m. At the conclusion of the interview, SA [redacted]  
Federal Grand Jury [redacted]  
[redacted]

b3 -1, -3  
b6 -1  
b7C -1  
b7D -1  
b7E -1

~~NO FURTHER DISCUSSION~~

FBI(21 cv 5450) 14/55

AX

1

b3 -1  
b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -2  
b7E -1

The following investigation was conducted at Falls Church, Virginia, on September 10, 1982, by SA [redacted] and SA [redacted]

[redacted] (PROTECT IDENTITY), [redacted]

Falls Church, Virginia.

made available the following information concerning [redacted]

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -2

Observation of the parking lot in the vicinity of the building that [redacted] is located in resulted in the observation of a [redacted] bearing [redacted] license [redacted]. This observation was made at about 12:20 p.m. on September 10, 1982, by SAs [redacted] and [redacted]

A subsequent computer Division of Motor Vehicles check run by the Alexandria FBI Office of this [redacted] tag number produced the following information:

b3 -1  
b6 -1  
b7C -1  
b7E -1

ALL INFORMATION  
HEREIN IS UNCL  
DATE 6/14/88

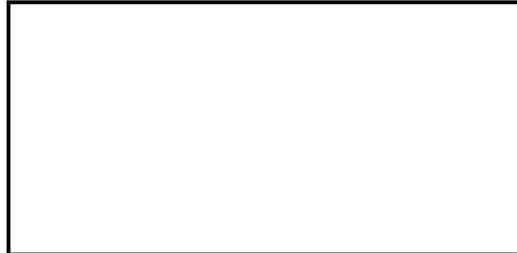
-1400

AX

2

Name:  
Residence:

Vehicle Identification  
Number:  
Vehicle Make:

A large, empty rectangular box with a black border, used to redact sensitive information.

b3 -1  
b6 -2  
b7C -2  
b7D -2  
b7E -1

[redacted]  
AF2714  
CIVIL  
E.C.  
DATE [redacted] INITIALS [redacted]

FEDERAL BUREAU OF INVESTIGATION

~~SECRET~~

9/14/82

Data of transcription

b6 -1, -2, -3<sup>to Agency</sup>  
b7C -1, -2, -3  
b7D -2 Text is unclassified except for sentence on Page 4, paragraph 4.

on this date [redacted]

Falls Church,

Virginia [redacted] After being advised of the official identity or the contacting Special Agents and of the nature of the contact, she confidentially provided the following information:

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

Classified by [redacted]  
Declassify on [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

~~RELEASER DECLARATION FORM, II, I-2.4.2 (2) (3)~~  
~~DATE FOR REVIEW FOR DECLASSIFICATION — 9/14/82~~

Investigation on 9/10/82 at Falls Church, Virginia Alexandria [redacted] -7401  
by [redacted] and [redacted] Date dictated 9/13/82  
SAC [redacted] File [redacted] b3 -1  
b6 -1  
b7C -1  
b7E -1

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~~SECRET~~

~~NO FURTHER DOWNGRADING~~

AX

2

~~100-200-1~~ ~~100-200-1~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

of it and it contains the following information:

has a copy

[REDACTED] giving his telephone number and address

b6 -2, -3  
b7C -2, -3  
b7D -2

contained the following information:

She described [redacted] as follows:

Race:

### **Sex:**

Nationality:

Age:

#### **Characteristics:**

**Height:**

**Weight:**

Build:

Barbara  
Haire

### **Eyes:**

Press.

BIBLIOGRAPHY

10.000-15.000 €

b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

AX [redacted]

3

~~SECRET~~

[redacted]

[redacted]

[redacted] who lives in [redacted]

[redacted] and works for [redacted]. This individual is not  
related to [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]

[redacted]

[redacted] who resides at [redacted]  
and works for [redacted]  
phone number is [redacted] as to where  
[redacted] can be contacted. ~~SECRET~~

(First Name Unknown) [redacted]

[redacted]

[redacted] and met with this individual, who she thinks  
was [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]

[redacted]

This individual's name was possibly [redacted]

~~SECRET~~

AX

4

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

~~NO FORUMS OR CO-OPERATORS~~

[REDACTED]

[REDACTED]

unknown to her.

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED]

[REDACTED]

X

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED]

[REDACTED]

She recalled that

[REDACTED]

~~NO FORUMS OR CO-OPERATORS~~

FBI(21-cv-5450)-14761

AX [redacted]

5

~~ALL INFORMATION CONTAINED~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[redacted]  
She recalled that [redacted]

[redacted]  
b6 -2, -3  
b7C -2, -3  
b7D -2

She said the name [redacted] is not familiar to her.

[redacted]  
[redacted] cannot recall this

[redacted]  
[redacted] who resides at [redacted]

[redacted]  
b6 -2, -3  
b7C -2, -3  
b7D -2

She recalled that [redacted]

~~CONFIDENTIAL~~

~~SECRET~~

AX [redacted]

6

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[redacted] are as follows:

She recalled that [redacted]

[redacted]  
b6 -2, -3  
b7C -2, -3  
b7D -2

indicated she did not know [redacted]

[redacted]  
b6 -2, -3  
b7C -2, -3  
b7D -2

~~SECRET~~



AX

8

~~SECRET~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[REDACTED] which she described during  
a previous interview with SA [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED] name unknown, [REDACTED]

[REDACTED] She does not know who this individual was.

In regards to [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED] was not specific in this regard.

[REDACTED]  
She said she did not have any details on [REDACTED]

~~SECRET~~

~~NO FORWARDING BY AUTOMATION~~

FBI(21-cv-5450)-14765

AX

9

~~20 FEB 1968~~

At the conclusion of the interview on this date,  
Special Agent [redacted] Federal Grand

b3 -1, -3  
b6 -1, -3  
b7C -1, -3  
b7D -2  
b7E -1

~~20 FEB 1968~~

FBI(21 cv 5450) 14/66

# Memorandum



To : SAC, ALEXANDRIA [redacted] (P)

Date 9/22/82

F:

b3 -1  
b6 -1  
b7C -1  
b7E -1

Subject : FRANCIS E. TERPIL - FUGITIVE

Et Al

RA: [redacted] PERJURY, CONSPIRACY;  
SOLICITATION TO COMMIT MURDER  
(OO:AX)

Reference is made to three memos, all dated 7/30/82, concerning the establishment of sub files for captioned matter. It is noted that more than seven weeks have elapsed without these sub files having been established. This case is one of extremely high visibility being coordinated by Mark Richards, Deputy Assistant Attorney General, Criminal Division, Department of Justice. While no trial date presently exists in Washington, D. C., it is not known when and if subject Wilson will talk to the government. The information contained in the sub files will be needed for trial if it occurs or to adequately debrief Wilson if this occurs. Also it is anticipated that this information should be easily retrievable for the other trials involving Wilson in Alexandria, Denver and Houston. It is now expected that trial will occur in Alexandria within six to eight weeks of today.

It is understood that the support staff has extreme staffing problems, however, due to the priority of this case, it is requested the sub files be established immediately.

① [redacted] AX

1-ASAC [initials]

1-SSS [redacted]

1402

b3 -1  
b6 -1  
b7C -1  
b7E -1

5 03 3

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 6/19/00 BY [redacted]

# FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

REPORTING OFFICE <b>MIAMI</b>	OFFICE OF ORIGIN <b>ALEXANDRIA</b>	DATE <del>SECRET</del> 8/5/82	INVESTIGATIVE PERIOD <b>4/17/82 - 6/28/82</b>
TITLE OF CASE <b>FRANCIS EDWARD TERPIL - FUGITIVE; ET AL</b>		REP [redacted]	[redacted]
		CHARACTER OF CASE <b>RA - CONSPIRACY; SOLICITATION TO COMMIT MURDER; OOJ</b>	[redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

Full investigation authorized, 3/20/80.

Re Miami reports of SA [redacted] dated 3/16/82 and 1/28/82.

- P -

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

ADMINISTRATIVE

Miami current investigation has focused on [redacted]

Classified by [redacted]  
Declassify by [redacted]

ACCOMPLISHMENTS CLAIMED						<input type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	PRETRIAL DIVERSION	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
								PENDING PROSECUTION OVER SIX MONTHS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW					
----------	----------------------------	------------------------------	--	--	--	--	--

COPIES MADE:							
4 - Bureau (ATTN: [redacted] (RM))							
2 - Alexandria [redacted] CRM							
2 - Washington Field (1 - USA WDC ATTN: AUSA [redacted])							
3 - Miami (1 - [redacted])							

b3 -1  
b6 -1, -4  
b7C -1, -4  
b7E -1, -8

~~CONFIDENTIAL~~

Dissemination Record of Attached Report			Notations C-3	1403
Agency		Classified and Extended by		
Request Recd.		Reason for Extension	PEIM, 11, 1-2.4.2	
Date Fwd.		Date of Review for Declassification	OAD	
How Fwd.				
By				

AUG 12 1982

A.  
COVER PAGE

~~SECRET~~

MM

~~CONFIDENTIAL~~

~~SECRET~~

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7D -1  
b7E -1

Projected state court hearing mentioned in  
3/17/82 contact (see FD 302 in ~~monant details~~) with [redacted]

[redacted] for SA [redacted] Miami.

Miami has not been contacted by [redacted]  
(see FD 302 instant report) to furnish his  
attorney an FBI. Miami [redacted]

LEAD

ALEXANDRIA:

Will furnish Miami results of leads set out in  
referenced Miami report dated 1/28/82.

~~CONFIDENTIAL~~

B.\*

~~SECRET~~

FBI(21-cv-5450)-14769

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
~~CONFIDENTIAL~~

Copy to: 1 - UNITED STATES ATTORNEY WASHINGTON, D. C.  
(ATTENTION: AUSA [redacted])

Report of: [redacted] Office: MIAMI, FLORIDA  
Date: August 5, 1982

Field Office File #: [redacted] Bureau File #: [redacted]  
Title: FRANCIS EDWARD TERPIL - FUGITIVE

b3 -1  
b6 -1, -4  
b7C -1, -4  
b7E -1

Character: REGISTRATION ACT - [redacted] CONSPIRACY; SOLICITATION TO  
COMMIT MURDER; OBSTRUCTION OF JUSTICE

Synopsis: [redacted]  
Miami, Fla., could expect to be subpoenaed for  
state court hearing concerning his knowledge of [redacted]

[redacted] b6 -1, -3  
[redacted] b7C -1, -3  
[redacted] b7D -1, -2

(S)(b)(6)(A)

- P -

DETAILS:

41st leg  
Classified by [redacted]  
Declassify on: QADR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

FOI/PA #	[redacted]
APPEAL #	[redacted]
CIVIL #	[redacted]
E.O. #	[redacted]
DATE 415186	INITIALS [redacted]

b6 -1  
b7C -1

Appropriate Agency

~~CONFIDENTIAL~~

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

April 19, 1982  
Date of transcription \_\_\_\_\_

[redacted] telephonically furnished the following:  
[redacted]  
[redacted]

(Dade County state attorney's office assistant state attorney) b6 -1, -2, -3  
[redacted] and his attorney intend, therefore, to b7C -1, -2, -3  
request [redacted] a hearing before the b7D -1, -2  
judge  
concerning [redacted]  
[redacted]

p1  
p5 [redacted]

2.

Investigation on 4/17/82 at Miami, Florida

File # Miami [redacted]

Special Agent [redacted]  
by [redacted]

Date dictated 4/17/82

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~CONFIDENTIAL~~

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b6 -1  
b7C -1

FEDERAL BUREAU OF INVESTIGATION

1

~~CONFIDENTIAL~~

Date of transcription 4/21/82

furnished the following information:

b6 -2, -3  
b7C -2, -3  
b7D -1

did not intend to furnish these messages to the Federal Bureau of Investigation (FBI).

messages. said he would furnish the taped copy  
of the messages to Special Agent (SA) FBI, Miami

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -1

3

Investigation on 4/19/82 at Miami, Florida File # Miami b3 -1  
b6 -1  
b7C -1  
b7E -1

~~This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.~~

~~CONFIDENTIAL~~

MM

b3 -1  
b7E -1

~~CONFIDENTIAL~~

the recordings [redacted] would furnish to the FBI.

He said that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -1

He said that [redacted]  
[redacted] Assistant State Attorney [redacted] and that  
the attorney [redacted] was to bring  
the [redacted] matter to the attention of the [redacted] judge

b6 -2, -3  
b7C -2, -3  
b7D -1

4.

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

1

~~CONFIDENTIAL~~

Date of transcription 4/21/82

On April 19, 1982, [redacted] Attorney, telephonically contacted Special Agent (SA) [redacted] Federal Bureau of Investigation (FBI), Miami. [redacted] asked [redacted] taped message furnished to the FBI for copying last October by his office. He was told that [redacted] had been made. For evaluation purposes, he requested a "xerox copy" or an "unofficial" rendering [redacted]. He was told this could not be done. It was suggested that he have [redacted] who was in his office, listen to the original tape cassette in his possession. [redacted] it was noted, could provide [redacted] of the brief recorded message. [redacted] then expressed (insincere) thanks. He mentioned another just-obtained tape (undoubtedly referring to messages [redacted] [redacted] and commented that he assumed the FBI is not interested in that (just obtained) tape. He then hung up.

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -1

1  
b3  
b3  
b3

5.

Investigation on 4/19/82 at Miami, Florida File # Miami [redacted]  
by SA [redacted] Date dictated 4/21/82

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~CONFIDENTIAL~~

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

May 20, 1982

Date of transcription

Lt. [redacted] Homicide, Metro-Dade Police Department (MDPD). Miami, was contacted in the office of Captain [redacted] Homicide, MDPD. The information furnished by Lt. [redacted] included the following:

[redacted] met with [redacted] among other things. [redacted] advised he believed that [redacted]

[redacted]

(SAC)

b6 -2, -3, -5  
b7C -2, -3, -5  
b7D -2

6.

Investigation on 5/20/82 at Miami, Florida File Miami [redacted] b3 -1  
by Special Agent [redacted] b6 -1  
Date dictated 5/20/82 b7C -1  
b7E -1

~~CONFIDENTIAL~~

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Date of transcription June 14, 1982

Lt. [redacted] Homicide, Metro-Dade Police Department, telephonically furnished the following information:

[redacted]  
He received a call earlier that day from [redacted]  
[redacted] who said he was calling from the office of  
New York City. [redacted] said he had [redacted]

[redacted]  
[redacted] indicated he would be in Miami [redacted]  
[redacted] at which time he would prove his allegation to  
Lt. [redacted] and the FBI.

[redacted] added that if (above Lt. [redacted])  
[redacted]

b6 -2, -3, -5  
b7C -2, -3, -5  
b7D -2

7.  
b3 -1  
b6 -1  
b7C -1  
b7E -1

Investigation on 6/10/82 at Miami, Florida File Miami [redacted]  
by [redacted] Alexandria [redacted]

Special Agent [redacted] Date dictated 6/11/82

~~CONFIDENTIAL~~

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FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

July 1, 1982

Date of transcription

Lt. [redacted] Homicide, Metro-Dade Police Department,  
telephonically advised as follows:

b6 -2, -5  
b7C -2, -5  
b7D -2

[redacted] has not contacted him since a call  
from New York City, previously discussed, several weeks pre-  
viously.

8.\*

b3 -1  
b6 -1  
b7C -1  
b7E -1

Investigation on 6/28/82 at Miami, Florida File # Miami [redacted]  
Alexandria [redacted]

by Special Agent [redacted] dictated 7/1/82

~~CONFIDENTIAL~~

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FBI

TRANSMIT VIA:

- Teletype  
 Facsimile  
 Airtel

- PRECEDENCE:  
 Immediate  
 Priority  
 Routine

CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 9/7/82

~~SECRET~~

TO: SAC, ALEXANDRIA [REDACTED]  
FROM: SAC, CHARLOTTE [REDACTED] (P)

FRANCIS E. TERPIL - FUGITIVE;  
ET AL.  
RA - [REDACTED] - CONSPIRACY,  
SOLICITATION TO COMMIT MURDER

OO: ALEXANDRIA

44-1488  
Classified by [REDACTED]  
Declassify on [REDACTED]

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

Re Alexandria teletype to Bureau and Charlotte, 8/23/82.

Enclosed for Alexandria are all the papers given to  
SA [REDACTED]  
Fayetteville, N. C., on 9/3/82.

On 9/3/82, [REDACTED] placed in the enclosed envelope  
all the papers [REDACTED]

[REDACTED] advised there are no other papers [REDACTED]  
[REDACTED] in his possession and if [REDACTED] has any additional information  
not already provided to the U. S. Government either through  
interviews with FBI Agents or testimony elicited before a Grand  
Jury, [REDACTED] will have [REDACTED] contact the FBI in Fayetteville,  
N. C.

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -1

2 - Alexandria (Enc  
2 - Charlotte

[REDACTED]  
(4)

1513  
03-83

Transmitted  
(Number)

(T)

Approved: [REDACTED]

1404  
FBI (21-cv-5450)-14788

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~

x Airtel

9/7/82

b3 -1  
b6 -1  
b7C -1  
b7E -1

TO: SAC, ALEXANDRIA [redacted]  
FROM: SAC, CHARLOTTE [redacted] (P)

FRANCIS E. TERPIL - FUGITIVE;  
ET AL.  
RA - [redacted] - CONSPIRACY,  
SOLICITATION TO COMMIT MURDER

OO: ALEXANDRIA

Waite  
Enclosed by  
Pritchett et al.

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT AS OTHERWISE SPECIFIED.~~

Re Alexandria teletype to Bureau and Charlotte, 8/23/82.

Enclosed for Alexandria are all the papers given to  
SA [redacted]  
Fayetteville, N. C., on 9/3/82.

On 9/3/82 [redacted] placed in the enclosed envelope  
all the papers [redacted]

[redacted] advised there are no other papers [redacted]  
[redacted] in his possession and if [redacted] has any additional information  
not already provided to the U. S. Government either through  
interviews with FBI Agents or testimony elicited before a Grand  
Jury, [redacted] will have [redacted] contact the FBI in Fayetteville,  
N. C.

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -1

2 - Alexandria (Enc. 1)  
2 - Charlotte

[redacted]  
(4)

~~SECRET~~

[redacted] 1434  
[redacted]  
[redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~



**FEDERAL BUREAU OF INVESTIGATION**

Washington, D. C. 20537

## **REPORT**

of the

**LATENT FINGERPRINT SECTION  
IDENTIFICATION DIVISION**

YOUR FILE NO.  
FBI FILE NO.  
LATENT CASE NO.

(P) (sq. 14)

September 21, 1982

b3 -1  
b7E -1

TO: SAC, Chicago

RE: FRANCIS EDWARD TERPIL - FUGITIVE;  
ET AL.;  
CONSPIRACY - SOLICITATION TO  
COMMIT MURDER

REFERENCE: Airtel 6-22-82  
EXAMINATION REQUESTED BY: Chicago  
SPECIMENS:

Envelope, Q5  
Typewritten letter, Q6

DECLASSIFIED ON 4/15/98  
BY [redacted]

b6 -1  
b7C -1

The listed Q specimens, are further described in a separate Laboratory report.

Four latent fingerprints, one of which is from the side and tip area of a finger, were developed on 05 and 06.

Three latent fingerprints are not the fingerprints of Frank Terpil, FBI #198717E. The remaining latent fingerprint was compared with the comparable areas of the fingerprints of Terpil, but no identification was effected. Fully and clearly recorded side and tip areas are needed for a complete comparison.

The specimens are enclosed.

Enc. (2)

~~Classified and Extended by C-3~~

~~Reason for Extension FCIM, II, 1-2.4.2 (2 &~~

Date of Review for Declassification: QADR

## 2) Alexandria

b3 -1  
b6 -1  
b7C -1  
b7E -1

THIS REPORT IS FURNISHED ~~FOR OFFICIAL USE ONLY~~

FBI(21-cv-5450)-14791

~~SECRET~~

[Redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

SAC, ALEXANDRIA [Redacted] (P)

9/22/82

SA [Redacted]

FRANCIS E. TERPIL - FUGITIVE  
Et Al  
RA [Redacted] PERJURY, CONSPIRACY;;  
SOLICITATION TO COMMIT MURDER  
(OO:AX)

Reference is made to three memos, all dated 7/30/82, concerning the establishment of sub files for captioned matter. It is noted that more than seven weeks have elapsed without these sub files having been established. This case is one of extremely high visibility being coordinated by Mark Richards, Deputy Assistant Attorney General, Criminal Division, Department of Justice. While no trial date presently exists in Washington, D. C., it is not known when and if subject Wilson will talk to the government. The information contained in the sub files will be needed for trial if it occurs or to adequately debrief Wilson if this occurs. Also it is anticipated that this information should be easily retrievable for the other trials involving Wilson in Alexandria, Denver and Houston. It is now expected that trial will occur in Alexandria within six to eight weeks of today.

It is understood that the support staff has extreme staffing problems, however, due to the priority of this case, it is requested the sub files be established immediately.

1-[Redacted] AK  
1-ASAC [Redacted]  
1-SSS [Redacted]

*please  
per my instructions*

1406 A

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~He will be URGED  
DATE 6/14/82~~

NY0021 2662123Z

RR HQ AX DN NK

DE NY 021

232100Z SEP 8

FM NEW YORK [REDACTED]

TO DIRECTOR [REDACTED] ROUTINE

ALEXANDRIA [REDACTED] ROUTINE

DENVER ROUTINE

NEWARK [REDACTED] ROUTINE

BT

UNCLAS.

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; ET AL;

REGISTRATION ACT; [REDACTED] OO: ALEXANDRIA

ON SEPTEMBER 15, 1982, NEW YORK CAUSED AN EXHAUSTED MANUAL SEARCH OF THE RECORDS LOCATED AT THE CLERK'S OFFICE, BROOKLYN, NEW YORK, WHICH WERE IN TRANSIT TO FEDERAL RECORDS STORAGE CENTER, HOBOKEN, NEW JERSEY, FOR CIVIL SUIT 79-C-2545, ENTITLED

[REDACTED] DISTRICT ATTORNEY,

BROOKLYN, NEW YORK AND [REDACTED] UNITED STATES

ATTORNEY GENERAL" AND WAS EVENTUALLY LOCATED.

IN THIS SUIT, [REDACTED] PETITIONED UNITED STATES DISTRICT COURT, BROOKLYN, NEW YORK, JUDGE CHARLES SIFTON TO FILE HIS

b6 -2  
b7C -2

b3 -1  
b6 -1  
b7C -1  
b7E -1



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/15/98 BY [REDACTED]

1407

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	ARCHIVE SERIALIZE	[REDACTED]
SEP 25 1982		[REDACTED]
[REDACTED]		

(5450) 14794

PAGE TWO NY UNCLAS

LAW SUIT IN PROPER STATUS

THE BASIS OF THIS SUIT IS THAT

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7E -1

**ALLEGES**

ALLEGES ALL INFORMATION INVOLVING

NO MENTION IS MADE OF SUBJECT WILSON, TERPIL OR

THE ONLY REMOTELY CONNECTED FACT WITH THE ABOVE LAW SUIT AND.

CAPTIONED INVESTIGATION APPEARS TO BE THAT SUBJECT TERPIL WAS

BORN IN BROOKLYN.

b6 -2, -3  
b7C -2, -3

CONTINUES IN HIS LAW SUIT TO ALLEGE IN A LONG RAMBLING  
MANNER.

PAGE THREE - NY

[REDACTED] UNCLAS

[REDACTED] BOTH CHARGES

APPEAR TO BE WITHOUT BASIS.

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7E -1

ON OCTOBER 25, 1979, JUDGE SIFTON REVIEWED [REDACTED]  
PETITION AND SUIT AND DEEMED THAT THIS LAW SUIT WAS EXTREMELY  
FRIVOLOUS COMPLETELY WITHOUT MERIT AND DISMISSED THE SUIT  
AGAINST THE DEFENDANTS.

BT

#

2662126Z AX/1 PAL

FBI(21 cv 5450) 14796

~~SECRET~~

VZ CZ CHQ0125

RR AX DN NY

DE HQ #0125 2699344

ZNY CCCCC

R 24205EZ SEP 32

FM DIRECTOR FBI [redacted]

b3 -1

b6 -1, -2

b7C -1, -2

b7E -1

*4/28/88*  
Classified by [redacted]

D-declassify on: 04/28/88

TO FBI ALEXANDRIA [redacted] ROUTINE

FBI DENVER ROUTINE

FBI NEW YORK [redacted] ROUTINE

BT

~~CONFIDENTIAL~~

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT AS SPECIFIED OTHERWISE.~~

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; [redacted]

[redacted] JEROME S. BROWER, RA [redacted]

CONSPIRACY, SOLICITATION TO COMMIT MURDER; OO: ALEXANDRIA

RE NEW YORK TELETYPE TO BUREAU, DATED SEPTEMBER 15, 1982,  
AND SEPTEMBER 17, 1982. BUREAU AIRTEL TO ALEXANDRIA, DATED  
JULY 1, 1982 (NO CC NY).

THIS TELETYPE IS CLASSIFIED "~~CONFIDENTIAL~~" IN ITS  
ENTIRETY.

FOR INFORMATION OF NEW YORK, SPECIAL AGENT (SA) [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1, -8

[redacted] ALEXANDRIA IS TEMPORARILY ASSIGNED TO [redacted]

[redacted], FBIHQ AND DUE TO HIS [redacted] RESPONSIBILITIES HE WILL BE

-1408

1515-3  
0

~~CONFIDENTIAL~~

5450) 14800

~~SECRET~~

PAGE TWO DE HQ 0125 ~~CONFIDENTIAL~~

UNABLE TO CONDUCT INTERVIEW OF [REDACTED] THE WILSON/TERPIL

INVESTIGATION HAS BEEN REASSIGNED WITHIN THE ALEXANDRIA  
DIVISION.

b6 -2, -3  
b7C -2, -3  
b7D -2

BASED ON INTERVIEWS OF [REDACTED]

[REDACTED] ALEXANDRIA HAS INITIATED INVESTIGATION CAPTIONED [REDACTED]  
OO: ALEXANDRIA."

[REDACTED] ADVISED THAT [REDACTED]

ASSISTANT UNITED STATES ATTORNEY (AUSA) [REDACTED]

(WILSON/TERPIL P<sub>R</sub>

OSECUTOR), DISTRICT OF COLUMBIA AND  
DEPARTMENT OF JUSTICE (DOJ) ATTORNEYS [REDACTED] AND

b3 -2  
b6 -2, -4  
b7C -2, -4  
b7D -2

[REDACTED] (PROSECUTORS IN CASE CAPTIONED [REDACTED]

OO: DENVER") WILL [REDACTED]

~~SECRET~~

~~SECRET~~

PAGE THREE DE HQ 0125 ~~CONFIDENTIAL~~

DUE TO THE COMPLEXITY AND SENSITIVITY OF THE WILSON/TERPIL CASE AND THE NUMEROUS SPINOFF INVESTIGATIONS IT IS NOT FEASIBLE FOR ALEXANDRIA TO PROVIDE NEW YORK WITH ALL BACKGROUND INFORMATION NECESSARY TO CONDUCT EXTENSIVE INTERVIEW OF [REDACTED]

SA [REDACTED] (WILSBN/TERPIL CASE AGENT) AND ADDITIONAL ALEXANDRIA AGENT FROM WHITE COLLAR CRIME SQUAD ARE AUTHORIZED TRAVEL TO NEW YORK CITY TO INTERVIEW [REDACTED]  
[REDACTED]

b6 -1, -2  
b7C -1, -2  
b7D -2

DUE TO [REDACTED]  
[REDACTED] ALEXANDRIA IS TO INSURE THAT INTERVIEWING AGENTS HAVE FULLY REVIEWED PREVIOUS STATEMENTS GIVEN BY [REDACTED]  
[REDACTED]  
[REDACTED] SHOULD BE THOROUGHLY INTERVIEWED CONCERNING HIS KNOWLEDGE OF [REDACTED]

b6 -2  
b7C -2  
b7D -2

[REDACTED] X SHOULD ALSO BE INTERVIEWED CONCERNING HIS KNOWLEDGE OF [REDACTED] AND ALL [REDACTED]

~~SECRET~~

FBI(21 cv 5450) 14802

~~SECRET~~

PAGE FOUR DE HQ 0125 ~~CONFIDENTIAL~~

ALLEGATIONS, INDIVIDUALS AND FIRMS ENUMERATED IN WILSON/TERPIL  
SPINOFF INVESTIGATIONS.

NEW YORK IS REQUESTED TO ADVISE FBIHQ AND ALEXANDRIA OF

[REDACTED] AND TO IDENTIFY AN AGENT TO ASSIST

ALEXANDRIA.

ALEXANDRIA IS REQUESTED TO IDENTIFY SECOND AGENT TO ASSIST  
IN INTERVIEW OF [REDACTED]  
[REDACTED]

b3 -1  
b6 -2  
b7C -2  
b7D -2  
b7E -1

BT

#0125

NNNN

~~SECRET~~

FBI(21 cv 5450) 14803

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 9/17/82

All information contained herein is classified  
~~"Secret"~~.

[redacted]  
[redacted] was advised of the official identity of the interviewing agents and of the nature and purpose of the interview. He thereafter provided the following information:

He advised that since his last interview by the Federal Bureau of Investigation on June 9, 1982, that [redacted]

[redacted] advised that most of his time since the last interview had been [redacted]

[redacted] advised that to the best of his knowledge [redacted] He advised that he heard rumors that [redacted] He did not elaborate further concerning these rumors.

[redacted] advised that [redacted] He stated that [redacted]

[redacted] was questioned concerning several individuals and provided the following information regarding these individuals as follows:

Always  
Classified by [redacted]  
Declassify on [redacted]

stated [redacted]

[redacted] He advised that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

~~SECRET~~  
Classified and Extended by: G-3

~~Reason for Extension: FCIM, II, 1-2.4.2 (2, 3 & 4)~~  
~~Date of Review for Declassification: Originating agency determination required.~~

[redacted]

Investigation on

8/20/82

File #

4409  
PG

b3 -1

b6 -1

b7C -1

b7E -1

SA  
by SA

8/27/82

Date dictated

~~SECRET~~b3 -1  
b7E -1

[redacted] He stated  
that [redacted]  
[redacted] stated that  
[redacted] He stated that  
  
[redacted] He stated that [redacted] He stated that  
  
[redacted] advised that [redacted] He stated  
[redacted] He stated  
  
[redacted]  
  
[redacted] advised that [redacted]  
He stated that [redacted]  
  
He stated that [redacted]  
  
[redacted] advised that [redacted] He stated that  
[redacted] He stated that  
  
[redacted] advised that [redacted] He stated that  
  
[redacted] stated that [redacted] He stated that  
[redacted] He advised that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2~~SECRET~~

~~SECRET~~b3 -1  
b7E -1

[redacted] advised that the only thing he could provide regarding [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] advised that [redacted]

[redacted] He stated that [redacted]

[redacted] advised that [redacted]

[redacted] He stated that [redacted]

[redacted] advised that [redacted]

[redacted] He stated that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] stated that [redacted]

[redacted] advised that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] advised that [redacted]

He advised that [redacted]  
noted that [redacted]

~~SECRET~~

~~SECRET~~

[redacted] advised that he did not know the following individuals:

[redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[redacted] advised that [redacted]

[redacted] He also advised that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] was asked again [redacted]

He

stated that [redacted]

advised that he would not discuss [redacted] at all with the interviewing Special Agents. [redacted] advised that [redacted]

[redacted] then stated that [redacted]

X

advised that [redacted]

He stated that [redacted]

[redacted] then advised that [redacted]

[redacted] He would not, however, elaborate concerning these suspicions. [redacted] advised that [redacted]

[redacted] however, would not discuss further his reasons for these suspicions.

b6 -2, -3  
b7C -2, -3  
b7D -2, -3

~~SECRET~~

~~SECRET~~

[redacted] was questioned concerning [redacted]

[redacted] He advised that [redacted]  
[redacted]

[redacted] b6 -2, -3

[redacted] b7C -2, -3

[redacted] b7D -2

[redacted] advised that [redacted]

[redacted] He advised that [redacted]  
[redacted]

[redacted] again reiterated that he desired to be cooperative with the Federal Bureau of Investigation. However, he noted that he feels that a federal prosecutor in Washington, D.C. (First Name Unknown) last name [redacted]

[redacted] b6 -3, -4

[redacted] b7C -3, -4

[redacted] b7D -2

~~SECRET~~

FBI

## TRANSMIT VIA:

- Teletype  
 Facsimile  
 Airtel

## PRECEDENCE:

- Immediate  
 Priority  
 Routine

## CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 9/20/82

TO: DIRECTOR, FBI

FROM: SAC, PITTSBURGH [REDACTED]

SUBJECT: FRANK TERPIL, aka [REDACTED]  
 FUGITIVE;  
 EDWIN WILSON; [REDACTED]  
 ET AL  
 CONSPIRACY TO COMMIT MURDER  
 (OO: ALEXANDRIA) [REDACTED]

b3 -1  
b7E -1

All information contained herein is classified as  
 "Secret" unless otherwise noted.

Re Pittsburgh airtel to Director dated 6/17/82;  
 Buairtel dated 6/24/82.

Enclosed for the Bureau are three copies of an  
 FD-302 concerning interview of [REDACTED]  
 [REDACTED] on 8/20/82.

b6 -3  
b7C -3  
b7D -2

Enclosed for Alexandria as OO are the original and  
 two copies of the above mentioned FD-302, and agent's interview notes.

Inasmuch as there are no further outstanding leads  
 within the Pittsburgh Division at this time this matter is  
 considered RUC.

2 - Bureau (Encs. 3)  
 2 - Alexandria (Encs. 4)  
 1 - Pittsburgh  
 [REDACTED]  
 (S)

~~SECRET~~  
 Classified and Extended by: G-3.  
 Reason for Extension: FCIM, II, 1-2.4.2  
 (2, 3 & 4)  
 Date of Review for Declassification:  
 Originating agency determination  
 requested.

b3 -1  
b6 -1  
b7C -1  
b7E -1

DECLASSIFIED ON 4/1/88  
 BY [REDACTED]

Approved: \_\_\_\_\_

Transmitted \_\_\_\_\_  
 (Number) (Time)SEP 27 1982  
 FBI/DOJ

b6 -1  
b7C -1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

9/27/82

unclassified  
by [redacted]  
[redacted] classified by [redacted]

Appropriate Agency

[redacted] (protect identity) [redacted]

telephone

number [redacted] (office), [redacted] (home),  
was advised of the identity of the interviewing agent. b5 -1  
[redacted] was interviewed in the presence of Assistant United b6 -3, -4  
States Attorney (AUSA) [redacted] Eastern District b7C -3, -4  
of Virginia, at the [redacted] Resident Agency b7D -2  
of the FBI. He provided the following information after  
asking that his interview be kept confidential.

[redacted] was born [redacted]

Social Security Account Number [redacted]

b5 -1  
b6 -3  
b7C -3  
b7D -2

[redacted]

[redacted]

~~CLASSIFIED AND EXEMPTED BY 0-3  
REASON FOR EXEMPTION: FSI, II, 1-2.4.2  
DATE OF REVIEW FOR DECLASSIFICATION~~

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
IF OTHERWISE SPECIFIED OTHERWISE.~~

Investigation on

0/15/82 at

File #

AX

4104

SA by

b3 -1  
b6 -1, -3 dictated

b7C -1, -3

b7D -2

b7E -1

9/21/82

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1410/

SEP 27 1972		
FBI - LOS ANGELES		

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~

AX [redacted]  
[redacted]

b3 -1  
b6 -1, -3  
b7C -1, -3  
b7D -2  
b7E -1

[redacted] (Protect Identity) [redacted]

[redacted] telephone [redacted] provided the following information on September 16, 1982, after being assured of complete confidentiality by Special Agent (SA) [redacted] and SA [redacted]

[redacted] stated [redacted]

[redacted] As of this date, [redacted] (not further identified) had not contacted [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] However, he had no specific information on which to base this belief.

[redacted] [redacted] our could not recall her name at the moment.

[redacted] stated he knew who [redacted] was but did not know him personally or professionally. [redacted] further advised that he had heard, through other parties, that [redacted]

[redacted] had heard that [redacted] had told these "other parties" that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] had met an individual by the name of [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~CLASSIFIED AND EXTENDED BY G-3  
REASON FOR EXTENSION FCLM. II, 1-2.4.2 (2)(3)  
DATE OF REVIEW FOR DECLASSIFICATION OADR~~

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE OTHERWISE SPECIFIED~~

~~SECRET~~

~~SECRET~~

AX  
2

b3 -1  
b7E -1

[redacted] stated that [redacted]

[redacted] When asked to elaborate, [redacted] stated [redacted] did not know very much about [redacted]  
[redacted]  
[redacted] not further described.  
[redacted]  
matter. [redacted] regarding this

b6 -3  
b7C -3  
b7D -2

[redacted] stated that from his knowledge [redacted]

[redacted] however, knows of no specific situation in which [redacted] has received such information.

b6 -3  
b7C -3  
b7D -2

[redacted] stated that it was his belief that [redacted]

~~SECRET~~

~~SECRET~~

AX [redacted]  
3

~~b3 -1  
b7E -1~~

[redacted] provided the following information concerning  
[redacted]

[redacted]  
[redacted]  
[redacted]  
[redacted] Union  
[redacted]

~~b6 -2, -3  
b7C -2, -3  
b7D -2~~

[redacted]  
[redacted] stated that he would be willing to report  
any other information he may obtain concerning [redacted]

~~SECRET~~

VZ CZ CHQ0023

*Blue*  
~~SECRET~~

PP AX

DE HQ #0023 2741236

ZNY SSSSS

P 301459Z SEP 82

FM DIRECTOR FBI [redacted]

b3 -1, -2  
b6 -1, -2  
b7C -1, -2  
b7E -1

415144  
Classified by [redacted]

TO FBI ALEXANDRIA [redacted] ROUTINE

Declassify on: OADR

[redacted] PRIORITY

BT

~~SECRET~~

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; [redacted]

[redacted] JEROME S. BROWER, RA - [redacted]

CONSPIRACY, SOLICITATION TO COMMIT MURDER, OO: ALEXANDRIA

ALL PARAGRAPHS ~~SECRET~~ UNLESS NOTED.

FOR INFORMATION OF [redacted] ON SEPTEMBER 28, 1982,

b3 -2

WILSON APPEARED BEFORE FEDERAL JUDGE PRATT, DISTRICT OF COLUMBIA FOR A MOTIONS HEARING. AT CONCLUSION OF HEARING, JUDGE PRATT SET TRIAL FOR NOVEMBER 22, 1982. WILSON ALSO SCHEDULED FOR TRIAL IN HOUSTON, TEXAS ON OCTOBER 27, 1982, FOR VARIOUS EXPLOSIVES VIOLATIONS AND IN ALEXANDRIA, VIRGINIA ON NOVEMBER 15, 1982, FOR FIREARMS VIOLATIONS. TO DATE, WILSON HAS REFUSED TO BE INTERVIEWED AND PLEA NEGOTIATED.

b3 -1  
b6 -1  
b7C -1  
b7E -1

EN

NE  
12

OCT 1 1982

*10-83*  
~~SECRET~~

0-14851

PAGE TWO DE HQ 0023 S E C R E T

WILSON'S ATTORNEYS AND ASSISTANT UNITED STATES ATTORNEY (CAUSA)

[REDACTED] DISTRICT OF COLUMBIA HAVE BEEN UNPRODUCTIVE. (U)

b6 -4  
b7C -4

WHEN WILSON WAS ARRESTED IN NEW YORK CITY ON JUNE 15, 1982, HE DID NOT HAVE ANY SIGNIFICANT PERSONAL DOCUMENTS ON HIS PERSON OTHER THAN A TYPEWRITTEN PAGE WHICH LISTED HIS PROPERTY HOLDINGS WORLDWIDE. UNDOUBTEDLY THERE ARE NUMEROUS DOCUMENTS OF EVIDENTIARY VALUE STILL LOCATED AT WILSON'S DUPLEX TOWNHOUSE (VILLA NUMBER 361) IN TRIPOLI, LIBYA, [REDACTED]

[REDACTED]  
[REDACTED] IF DEEMED APPROPRIATE, IS REQUESTED TO  
RECONTACT [REDACTED] TO DETERMINE IF HE COULD ASSIST THE  
DOJ AND THE FBI [REDACTED] (S)

b3 -1, -2  
b7D -2  
b7E -1

BT

#0023

NNNN

~~SECRET~~

Best Copy Available

~~SECRET~~

300 North Lee Street  
Room 300  
Alexandria, Virginia 22314  
October 4, 1982

FOI/PA #	[redacted]
APPEAL #	[redacted]
CIVIL AC	[redacted]
E.O. #	[redacted]
DATE	Oct 1982 INITIAL

(X) Appropriate Agency

b6 -1, -4  
b7C -1, -4

Classified by  
Declassify or [redacted]

ASSISTANT  
Criminal Division  
U. S. Department of Justice  
Washington, D. C. 20001

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

Dear [redacted]

In accordance with procedures established, it is  
recommended that the following information [redacted]

IN CONNECTION WITH THE WILSON/TEMPIL INVESTIGATIONS! (S)(SI)

b3 -2  
b6 -2  
b7C -2  
b7E -6

2-Addressee

1-USA, WDC

1-USA, AX

5-Alexandria

(2)

(1)

(1)

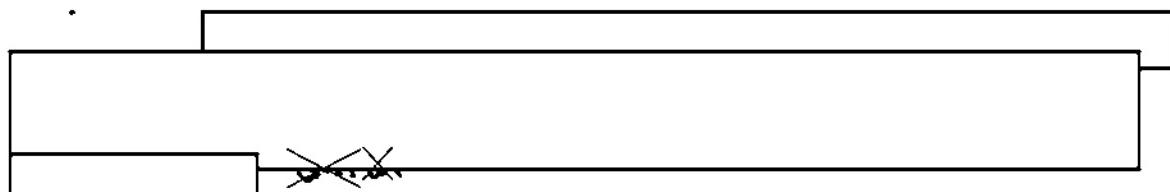
(9)

b3 -1  
b6 -1  
b7C -1  
b7E -1

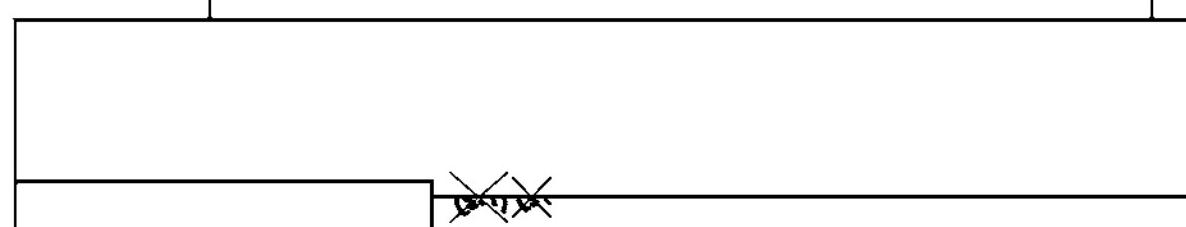
1413

~~SECRET~~

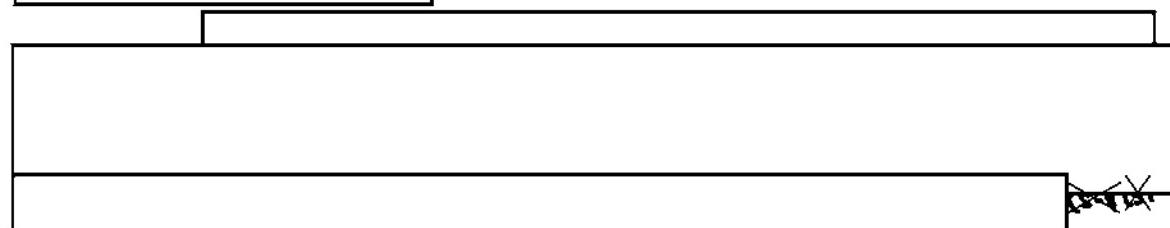
~~SECRET~~



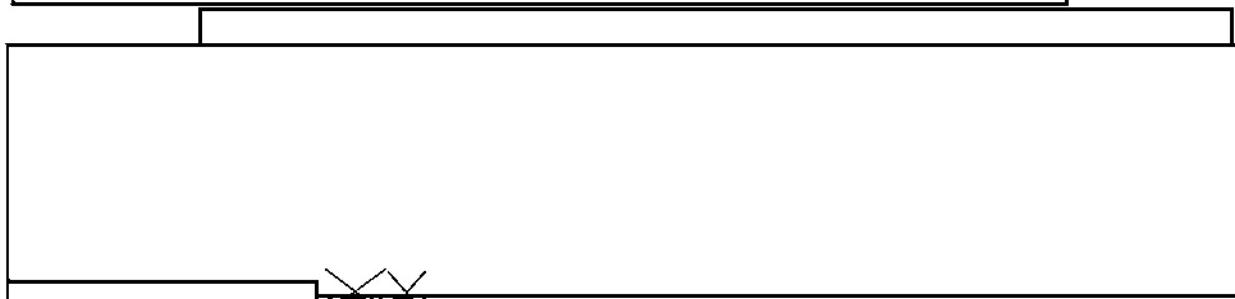
~~CONFIDENTIAL~~



~~CONFIDENTIAL~~



~~CONFIDENTIAL~~



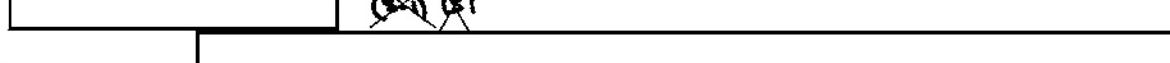
~~CONFIDENTIAL~~



b3 -2  
b6 -2  
b7C -2  
b7E -6



~~CONFIDENTIAL~~



~~CONFIDENTIAL~~

~~SECRET~~

~~SECRET~~

[REDACTED]

~~(b)(7)(D)~~

[REDACTED]

b3 -2  
b6 -2  
b7C -2  
b7E -6

[REDACTED]

~~(b)(7)(D)~~

It is requested that additional information be  
provided regarding the following individuals [REDACTED]  
~~(b)(7)(D)~~

[REDACTED]

b3 -2  
b6 -2  
b7C -2  
b7E -6

[REDACTED]

[REDACTED]

[REDACTED]

~~(b)(7)(D)~~

~~SECRET~~

~~SECRET~~

Should you have any questions or problems regarding this request, please contact Special Agent [redacted] of this office at 683-2680.

Very truly yours,

Lawrence Karl York  
Special Agent in Charge

b6 -1  
b7C -1

RW:

[redacted]  
Supervisory Special Agent

1-United States Attorney  
District of Columbia  
U. S. Courthouse  
Third and Constitution Avenue, N.W.  
Second Floor  
Washington, D. C. 20001  
(Attention: Assistant United States Attorney [redacted])

1-United States Attorney  
Eastern District of Virginia  
701 Prince Street  
Alexandria, Virginia 22314  
(Attention: Assistant United States Attorney [redacted])

b6 -4  
b7C -4

~~SECRET~~

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/4/82

Glenn Alden Robinette, President, Global American Resources, 8373B Greensboro Drive, McLean, Virginia (827-0409), was contacted at his office on this date and advised of the official identities of the contacting Special Agents and the nature of the contact. He thereafter provided the following information:

b6 -3  
b7C -3BACKGROUND INFORMATION:

He was born on [redacted] 1921, has Social Security Account Number [redacted] and resides at [redacted] Northwest, Washington, D. C.

He said he was raised in the Northeast section of Washington, D. C., and attended Eastern High School. After service in the U. S. Air Force, he attended night school at Georgetown University for a time but did not obtain a degree. He retired from employment with the Central Intelligence Agency (CIA) in September, 1971, and while employed with CIA, he attended Cornell University for a time, not obtaining a degree.

[redacted]  
[redacted]

GLENN ROBINETTE ASSOCIATES:b6 -1, -2  
b7C -1, -2

When he first retired from CIA in 1971, Robinette said he set up his own security survey firm called Glenn Robinette Associates. This firm also marketed security products or systems for private businesses, and this was "classified" work.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/16/01 BY SP/6

INTETEL:

Following his work with Glenn Robinette Associates, Robinette became an employee of Intertel which is a company which includes former U. S. Department of Justice attorneys and Federal Bureau of Investigation Special Agents. In this job he did physical security surveys and was so employed for about six to seven years, leaving this employment in the summer of 1981.

Investigation on 9/27/82 at MCLEAN, VIRGINIA b3 -1 File # Alexandria  
 by SA [redacted] and b6 -1 Alexandria  
SA [redacted] b7C -1 Alexandria  
SA [redacted] b7E -1sd Alexandria 9/26/82

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AX  
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AX  
AX

He mentioned that [redacted]

Intertel. He said Intertel is owned by Resorts International.

b3 -1  
b6 -2  
b7C -2  
b7E -1

When gambling at Atlantic City, New Jersey, became authorized, the New Jersey State Gaming Commission would not allow anyone to be employed by any of the gambling casinos unless they had had a background check conducted. He said Intertel worked closely with this Commission to be sure that all of its employees at the Resorts International Casino at Atlantic City were "clean." Robinette said he helped in designing the closed circuit TV system at the Resorts International Casino at Atlantic City and mentioned that over one hundred cameras were installed in the gambling areas of this casino in this regard. He said he was in the Atlantic City area off and on for a couple of years starting in approximately mid-1978.

He mentioned that Intertel conducted background and clearance-type inquiries for Resorts International personnel but indicated that his work was oriented more toward the physical security aspects of the casino.

He said Intertel has its office at 1707 H Street, Northwest, Washington, D. C., Fourth Floor.

TOM CLINES:

Robinette said he first met Clines many years ago when they both were employed with CIA. He said he and Clines were assigned together in certain CIA components and also saw each other in connection with joint ventures they worked on while with the agency.

Since Robinette's retirement, he said his relationship with Clines was strictly a social relationship. He also indicated that as they both were raised in the Washington, D. C., area, they have mutual friends going back to the time when they were growing up in Washington.

EGYPTIAN AMERICAN TRANSPORT AND SERVICES CORPORATION (EATSCO):

Robinette said he started working with EATSCO in about September, 1981, based on a request of Tom Clines that he begin

AX  
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AX  
AX

3

work there. In this employment, he was involved in supervision of Seico to see if he could improve its business prospects. Robinette said he had been anxious to leave Intertel as he wanted to do something on his own for one or two years.

b3 -1  
b6 -2  
b7C -2  
b7E -1

When he began working with Seico, [redacted] was still working with that entity. He said there was a firm called Intertech which was there also, and Seico and Intertech were both small companies, both dealing in the sales and installation of physical security equipment. He said business regarding both of these companies was very poor at that time.

Robinette said he received a salary of \$48,000 per year in connection with his work with Seico and Intertech and was paid by EATSCO in this regard. In this regard, Robinette said he had an office at 7777 Leesburg Pike, Falls Church, Virginia.

b6 -2  
b7C -2

[redacted] Based apparently on the poor sales record of Seico, terminated his association with this company after having a meeting with [redacted] Their parting was "friendly."

After this occurred, Robinette said he took over [redacted] responsibilities, noting that [redacted]

Robinette said he left this employment himself in around February, 1982, which was around the time that Tom Cline also left EATSCO. Robinette said that he and [redacted] had a discussion prior to his departure, and it was a "friendly" parting.

b6 -2  
b7C -2

#### GLOBAL AMERICAN RESOURCES (GAR):

After leaving employment with EATSCO, Robinette said he set up Global American Resources in approximately February, 1982, but the company was not incorporated in Delaware until the summer, possibly June, 1982. He indicated that this company is still in the early stages of development and is concentrating on international business activity including procurement or export/import activities. He said it has no freight forwarding activity. The only office of GAR is at 8373B Greensboro Drive, McLean, Virginia.

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b3 -1  
b6 -2  
b7C -2  
b7E -1

4

Robinette said that he is President of GAR and [redacted]

[redacted] He and [redacted]

He said Tom Clines is employed as a consultant/business advisor to GAR, and Robinette said he highly regards Clines' opinion in business matters.

He has four office employees at GAR and these are as follows:

[redacted]  
[redacted]  
b6 -2  
b7C -2

NATIONAL ALARM SERVICE COMPANY (NA SCO):

[redacted]  
b6 -2  
b7C -2

This is a small firm which was also located at 7777 Leesburg Pike, Falls Church, Virginia. Robinette said [redacted] and Tom Clines asked him to supervise NA SCO in addition to supervising personnel at Seico and Intertech. Robinette said he thought that NA SCO was a "loser" and was not interested in devoting his time to it as a result. In this regard, Robinette said NA SCO was

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b3 -1  
b6 -2  
b7C -2  
b7E -1

5

marketing an inexpensive household intrusion alarm that Robinette

[redacted]  
[redacted]

Robinette said he had no financial interest in Seico or EATSCO or EATSCO. He said he was given 1,000 shares and ownership of Intertech in around February, 1982, when he left EATSCO. This was given as part of the settlement with EATSCO, and [redacted] indicated he did not want anything further to do with Intertech. He said Intertech primarily exists in name only at present but it had had some contracts in Abu Dhabi in the Middle East regarding physical security equipment such as TV cameras, etc. In this regard, Robinette said he has been back and forth to Abu Dhabi about four times since around September to October, 1981, in connection with seeking contracts for Intertech there.

He indicated he has been unsuccessful recently in obtaining any such contracts in Abu Dhabi.

[redacted]  
[redacted]

b6 -2  
b7C -2

He said he met [redacted] through Tom Cline in connection with Robinette beginning to work at EATSCO. He said he believes it was in about August, 1981, that he began his work at EATSCO.

ED WILSON:

Robinette said he initially met Wilson years ago when they both were employed with the CIA. He recalled seeing Wilson in Libya in about 1979 to 1980 when Robinette was there. Robinette said he (Robinette) was employed with Intertel at that time and was involved in designing and furnishing police headquarters in Tripoli, Libya. At that time, he said he was going back and forth to Tripoli about once a month in that regard. During one such occasion, he was at the airport at Tripoli when he saw Ed Wilson. He indicated that he knew Wilson was having some legal problems at that time and did not want to meet him, so he stepped behind a pillar to avoid contact with Wilson on that occasion. He said he knew that Wilson was doing business in Libya then. Robinette said he has never been to Wilson's farm in Northern Virginia.

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AX  
AX

[redacted] Robinette said that Intertel was associated with [redacted] in Libya at around the time period mentioned above. [redacted] Murenison was associated with oil activities there at that time.

b3 -1  
b6 -2  
b7C -2  
b7E -1

FRANK TIRFIL:

Robinette does not know this person.  
[redacted]

Robinette said he has met [redacted] through Tom Clines and [redacted] is a friend of Clines. He said his meetings with [redacted] have been in connection with a social environment, and he mentioned that [redacted] had been to Global American Resources on at least one occasion and he believes he has met him elsewhere. He said he last saw [redacted] about six weeks ago at a social occasion.  
[redacted]

He does not know this person.  
[redacted]

b6 -2  
b7C -2

He does not know this person.

HUGAN HAND BANK:

Robinette is not familiar with this entity.

TED SHACKLEY:

He said he knows Shackley from when Robinette was employed with CIA. He said their relationship at present is a social relationship and he has had no business dealings with Shackley except that he will call Shackley occasionally or Shackley will call him occasionally to get a "reading" on someone they may be considering having a business dealing or contact with.

AX  
AX  
AX  
AX  
AX

7

[redacted]  
b3 -1  
b6 -2  
b7C -2  
b7E -1

He does not know this individual except from reading about him in news articles.

[redacted]  
Robinette said this individual is approximately [redacted] years of age and is a friend of Tom Cline. Robinette said he knew [redacted]

G AND G ASSOCIATES:

Robinette said he is not familiar with this company or its principals.

[redacted]  
Robinette indicated that he initially met [redacted] when she was with Tom Cline probably in a bar about two to three years ago.

b6 -2  
b7C -2

CLINES' ROTUNDA CONDOMINIUM:

Robinette said he has never been to a condominium owned by Cline [redacted] at the Rotunda at McLean, Virginia.

[redacted]  
Robinette said he knows [redacted] having met him through Tom Cline.

[redacted]  
He does not know this person.

AX  
AX  
AX  
AX  
AX

b3 -1  
b7E -1

8

TOM CLINES' EMPLOYMENT:

In connection with Clines being employed with Global American Resources, he comes to the GAR office several times a week. Robinette said that Clines has not traveled out of the United States or outside of the Washington, D. C., area specifically for him in connection with Global American Resources business. He said that Clines is in town at present.

He said he talked to [redacted]

b6 -2  
b7C -2

(This interview commenced at approximately 1:00 p.m. on this date and was completed at approximately 1:51 p.m.)

~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

FEDERAL BUREAU OF INVESTIGATION

b6 -1  
b7C -1

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

Date of transcription 10/5/82

Text is unclassified except for any portion specifically indicated to be classified.

Brigadier General Joseph J. Cappucci, United States Air Force - Retired, was contacted at his office at Belcap International, Suite 701, 1000-16th Street, Northwest, Washington, D.C., telephone number 775-9024, on the afternoon of this date. After being advised of the official identities of the contacting Special Agents, and of the nature of the contact, he provided the following information:

He was born on January 1, 1913, at Bridgeport, Connecticut, and received his early education in the Bridgeport, Connecticut, vicinity. He attended the University of Wyoming, obtaining a commission through the Reserve Officers Training Corps (ROTC), but did not graduate. From 1940 until 1974, he had continuous military service, totalling 34 years, and his service assignments were oriented towards intelligence and counterintelligence matters.

During World War II, he was assigned to British Intelligence in London, England, and in 1946, he helped to establish the Central Intelligence Agency (CIA). During the period of 1965 to 1972, he was Director of the Air Force Office of Special Investigations (OSI). Thereafter, he was asked to set up the Defense Investigative Service (DIS), and he set this up in April, 1972. He was Director of DIS from that time until his retirement on September 1, 1974.

General Cappucci said he resides at [redacted]  
[redacted] Falls Church, Virginia, telephone number [redacted]  
[redacted] and has resided at that residence [redacted]  
SINCE 1964. He said he has no children.

b6 -1, -2  
b7C -1, -2

Classified by [redacted]

CLASSIFIED AND EXTENDED BY G-3

Declassify on [redacted]

REASON FOR EXTENSION REGIM, II, I-2, 4, 2 (2) (3)

DATE OF REVIEW FOR DECLASSIFICATION 9/22/82

Investigation on 9/22/82 at Washington, D.C. File # Alexandria [redacted]

SA [redacted]  
by SA [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

9/22/82

1415

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

FBI(21 cv 5450) 1486/ [redacted]

~~SECRET~~

~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

AX [redacted]

2

He said his present business, Belcan International, is a partnership between himself and [redacted]. He said the name "Belcan" is drawn from the name [redacted] which [redacted] he said this business does security-type work on a commercial basis.

b3 -1  
b6 -2  
b7C -2  
b7E -1

Tracor Corporation:

General Cappucci said that while on active duty with the United States Air Force (USAF) OSI, he was involved in training Presidential or executive protective details for various countries, including the Philippines, Thailand, Bolivia, Cambodia, South Vietnam, Korea, and one other country, name unrecalled, but not a Middle East country.

[redacted] learned of Cappucci's background through White House contacts, and asked Cappucci to set up a security division at Tracor, which had its headquarters in Austin, Texas. Cappucci began working with Tracor's security division in 1975, in the Rosslyn, Arlington, Virginia, office.

b6 -2  
b7C -2

General Cappucci said in the Fall of 1975, he was in London, England, on a business trip for Tracor. While in the lobby of the Hilton Hotel in London, a bomb exploded approximately ten feet away from where Cappucci was, which killed four persons and seriously wounded 28 others. He indicated that British police attributed this bombing to Irish Republican Army (IRA) related terrorists. He feels that it was just a coincidence that he was at the location where the bomb exploded when it did. As a result of injuries suffered during this incident, General Cappucci said he lost hearing in his left ear and has a permanent numbness in his neck.

While still employed with the Tracor Corporation, in May, 1977, General Cappucci said he had a serious heart attack while at his Northern Virginia residence. This resulted in his hospitalization for a couple of weeks and a period of convalescing at home. In about September to October, 1977, he returned to work at the Tracor Corporation, but only worked about two to three hours a day.

At around this time, [redacted] told him about a contact named Ed Wilson, who he said was a former government worker and an important businessman internationally. He

b6 -2  
b7C -2

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~~NO FOREIGN DISSEMINATION~~

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~~NO FOREIGN DISSEMINATION~~

AX [redacted]

3

indicated that Wilson was going to buy the security division of the Tracor Corporation. Two to three days after this, Cappucci said he ran into [redacted] who he knew, and Ed Wilson was with this Korean at the time. This was his first meeting of Ed Wilson.

b3 -1  
b6 -2  
b7C -2  
b7E -1

Subsequently, [redacted] who Cannucci said he believes was [redacted] told Cappucci that Ed Wilson had been impressed with Cappucci's contacts and wanted to finance Cappucci in a business that Cappucci could operate out of a townhouse that Wilson had obtained.

Cappucci and Associates:

Subsequently, in about October to November, 1977, Wilson invested approximately \$30,000 in a new company which was called Joseph Cappucci and Associates. As part of the investment, Wilson took stock options in the new company, which amounted to about twenty percent ownership. Wilson had obtained a townhouse at 1016-22nd Street, Northwest, Washington, D.C., near Washington Circle, and Cappucci leased space in the townhouse from Wilson in connection with this business.

Cappucci said that [redacted]

Cannucci and Associates; and [redacted]

[redacted] Cappucci said his position with the company was as Chairman. He said [redacted] presently resides in the Crystal City area of Northern Virginia.

Cannucci recalled that [redacted] had said that Ed Wilson

[redacted] Cappucci approved this when learning of it and mentioned that he had known [redacted]

b6 -2  
b7C -2

General Cannucci said he subsequently met [redacted]  
who said he was [redacted]

[redacted] He said a woman named [redacted] and he recalled that [redacted] had connections with U.S. Congressmen. Cannucci said that as far as he could see [redacted]

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~~NO FOREIGN DISSEMINATION~~

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~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

AX [redacted]

4

b3 -1  
b7E -1

General Cappucci said he had a total of about fifteen to twenty contacts with Wilson over a period of about seven months. He never had a social relationship with him and was never invited to Wilson's farm.

Egyptian Security Contract:

As background, General Cappucci said that in 1969, while he was still on active duty with the USAF, he had an OSI command at Wheelus Air Force Base, Tripoli, Libya. In connection with this, Cappucci met a Libyan by the name of [redacted] who had a close relationship with United States elements in Libya at that time. When Colonel Qadhafi took over Libya in 1969, General Cappucci said he was instrumental in secreting various individuals out of Libya who would have been executed had they remained under that new government. One of the Libyans he got out in this regard was [redacted] (X)

b6 -2  
b7C -2

As a result of this contact with [redacted] who had contacts in Egypt. General Cappucci was introduced by [redacted] to [redacted] who at that time was [redacted]. [redacted] indicated that this was in about late 1977 or early 1978. As a result of this contact with [redacted] Cappucci, through Joseph Cappucci and Associates, got a contract to train 25 to 30 Egyptian military people in security protection measures. Cappucci went over to Cairo, Egypt, initially in connection with setting this up and he said a team of eight to nine Americans, retired OSI employees, comprised the team. The training was conducted at a military base in Cairo and Cappucci returned to Egypt for the graduation, following the six to seven-week course that was conducted. At the conclusion of the training, the training team was required to list the trainees in the order of their standing in the class. General Cappucci said he does not know how these Egyptians trained in security protection were subsequently utilized by the Egyptian government, as pertains to which officials they would have been detailed to protect.

Cappucci said this training program cost the Egyptian government approximately \$100,000 to \$200,000, and when payment was made, Wilson took out his investment from the profits that ensued. He said [redacted] would have details in this regard.

b6 -2  
b7C -2

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~~NO FOREIGN DISSEMINATION~~

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~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

AX [redacted]

5

b3 -1  
b7E -1

He said that Ed Wilson actually had nothing to do with Cappucci and Associates obtaining this contract or in the operation of the contract and his only involvement in the matter consisted of his obtaining his investment back from the profits that resulted.

Cappucci said this was his only involvement with Egypt and he had no business with Libya. He said other business of Joseph Cappucci and Associates pertained to local security work in the United States. He said his staff during the period he was with Joseph Cappucci and Company, was a small one.

He said it was in about early 1978, when Wilson took his investment back from the proceeds of the Egyptian security training venture. About two to three months later, Cappucci got a notice, in the form of a letter from Wilson, directing him to get out of the townhouse within ten days, as Wilson said he was going to sell the townhouse. Cappucci said he was surprised at this sudden action and when he inquired about it, someone, name unrecalled, told Cappucci that Wilson thought that Cappucci was spying on him and this was the reason for his being asked to leave the townhouse.

General Cappucci reiterated that his relationship with Wilson totalled about a seven to eight month period and he had no other business interests with Wilson. He said he has had no contact with Wilson since early 1978, and he received no indication that Wilson was involved in any criminal activities during the time he had association with him.

Sale of Cappucci and Associates:

He said about eighteen months ago, he and [redacted] sold out their interests in Joseph Cappucci and Associates to a group of buyers, one of whom was Tom Cline. He said [redacted] would know who the other members of the group were but Cappucci does not know who the others were. He said one of the provisions of the sale was that the purchasers could no longer use the name Cappucci in connection with the company. As a result, the name of the company was changed and he is not certain what the new name was, but it was possibly Intertech or possibly American Security, but he is uncertain.

b6 -2  
b7C -2

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

~~SECRET~~

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

AX [redacted]

6

b3 -1  
b7E -1

Tom Clines:

General Cappucci recalled that Clines was a retired CIA employee who Cappucci knew had handled sensitive matters between the CIA and the Department of Defense while still employed with CIA. He knew Clines only casually and had no social relationship with him.

Ted Shackley:

He knew Shackley casually from the days when Shackley was an official with CIA. He has had no business association with Shackley or Clines, other than the sale of the Joseph Cappucci and Company business to Clines and others.

[redacted]

[redacted]

b6 -2  
b7C -2

[redacted]

~~SECRET~~

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

~~SECRET~~

~~SECRET~~

~~NO FOREIGN DISSEMINATION~~

AX [redacted]

7

[redacted]  
He does not know [redacted] and has never met him.

b3 -1  
b6 -2  
b7C -2  
b7E -1

[redacted]  
He has had no association with [redacted]  
but mentioned that [redacted]

[redacted]

Operational Systems Incorporated (OSI):

b6 -2  
b7C -2

He said sometime in 1977, the Tracor Corporation sold its security division to Ed Wilson. [redacted]

[redacted] when Wilson purchased it and it was renamed OSI. This occurred when Cappucci was still employed with Tracor, but Cappucci never had anything to do with this new OSI commercial company. He said [redacted] would know more about this OSI company.

Frank Terpil:

Cappucci does not know Terpil.

~~CONFIDENTIAL~~

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

~~SECRET~~  
~~SECRET~~

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

AX [redacted]

b3 -1  
b7E -1

Egyptian American Transport and Services Corporation (EATSCO):

Cappucci said he has no financial interest in this company and is not familiar with its personnel. He said since he retired from the Air Force, he has only been associated with the Tracor Security Division, with Joseph Cappucci and Associates, and with Belcap International. He said the Belcap office is in the process of being moved to another location in the downtown Washington, D.C., area.

Nugan Hand Bank:

Outside of newspaper articles, he is not familiar with this bank.

J. Edgar Hoover:

General Cappucci volunteered that he knew former Director J. Edgar Hoover well and had an approximately two hour meeting with Hoover a month before Hoover died, at Hoover's request. He said he was photographed with Director Hoover on that occasion.

Cappucci and Associates:

General Cappucci said Cappucci and Associates no longer exists as a company and after being put out of the 22nd Street townhouse, a subsequent office, after temporary quarters in a nearby hotel, was at 1333 New Hampshire Avenue, Northwest, Suite 910, Washington, D.C.

(It is noted that the interview of General Cappucci on this date commenced at about 2:00 p.m., and was completed at about 3:00 p.m.)

~~SECRET~~  
~~SECRET~~

~~SECRET~~  
~~NO FOREIGN DISSEMINATION~~

~~SECRET~~  
~~SECRET~~

b6 -1  
b7c -1

~~SECRET~~

**FEDERAL BUREAU OF INVESTIGATION**

10/5/82

Date of transcription

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE OTHERWISE SPECIFIED~~

telephone number [redacted] was advised of the identity of the interviewing agent and provided the following information:

[redacted] stated the following regarding his knowledge or [redacted] Edwin P. Wilson and Frank Terpil:

b6 -3  
b7C -3  
b7D -1

b6 -3  
b7C -3  
b7D -1

~~CLASSIFIED AND EXTENDED BY G-3~~  
~~REASON FOR EXTENSION: ECIN, II, 1-2.4.2 (2)(3)~~ ~~SECRET~~  
~~DATE OF REVIEW FOR DECLASSIFICATION: OADR~~

Investigation on 9/16/82 at  File # Alexandria 19  
by SA [redacted] b3 -1  
[redacted] b6 -1, -3 Date dictated 9/27/82  
b7C -1, -3 b7D -1 FBI(21 cv 5450) 148/5

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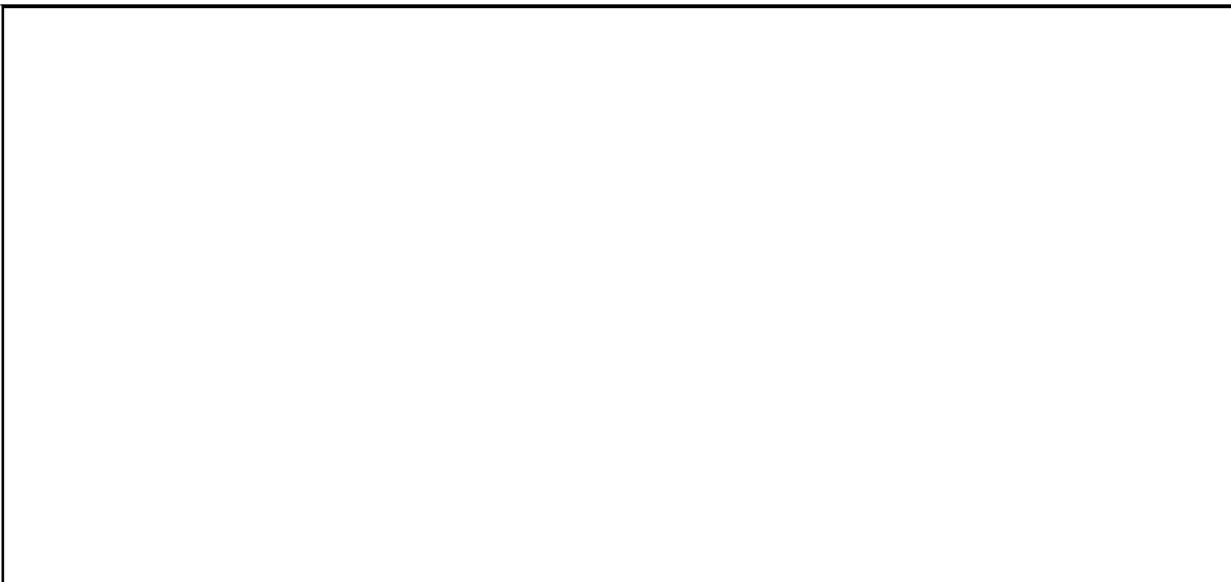
Classified by  
Declassify on

~~SECRET~~

AX [redacted]

2

b3 -1  
b7E -1



[redacted] described Terpil as a colorful, likeable person but it was hard to tell when he was telling the truth or not. Terpil's manner is such that one cannot tell when he is talking business and when he is merely socializing.

b6 -2, -3  
b7C -2, -3  
b7D -1

[redacted]  
[redacted] he saw Terpil and Wilson several times. These were always social occasions and [redacted] conducted no further business with either of them.

[redacted] stated the following concerning the



b6 -3  
b7C -3  
b7D -1

~~SECRET~~

~~SECRET~~

AX [redacted]

3

b3 -1  
b7E -1

[redacted]

[redacted] As far as [redacted] knows. Wilson or  
Ternit had nothing to do with [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -1

[redacted] once met Kevin Mulcahy with Wilson. He  
only knew him as a business partner of Wilson.

[redacted] denied knowledge of [redacted]

Regarding [redacted] has known him  
[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -1

[redacted] has not heard of a company called BBH  
in Concord, Massachusetts.

*2/20/2021*

~~SECRET~~

FBI

TRANSMIT VIA:

- Teletype  
 Facsimile  
 \_\_\_\_\_

- PRECEDENCE:  
 Immediate  
 Priority  
 Routine

CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 10/5/82

FM ALEXANDRIA [REDACTED]

TO DIRECTOR PRIORITY

BT

UNCLAS

ATTENTION: [REDACTED] X

FRANCIS E. TERPIL - FUGITIVE, ET AL, RA [REDACTED] CONSPIRACY;

SOLICITATION TO COMMIT MURDER

REFERENCE IS MADE TO FBIHQ TELETYPE TO ALEXANDRIA, AUGUST 2, 1982, AND ALEXANDRIA AIRTEL TO FBIHQ AUGUST 17, 1982. FOR INFORMATION OF [REDACTED] TRIAL DATE FOR SUBJECT EDWIN WILSON HAS BEEN SET FOR NOVEMBER 22, 1982. [IN VIEW OF THIS RAPIDLY APPROACHING DEADLINE [REDACTED] IS REQUESTED TO HANDLE ALL OUTSTANDING LEADS AS EXPEDITIOUSLY AS POSSIBLE AND SUTEL ALEXANDRIA WITH RESULTS.] X

b3 -2

ADMINISTRATIVE:

THE BUREAU IS REQUESTED TO FORWARD THE ABOVE INFORMATION

TO [REDACTED]

BT

1 Alexandria

[REDACTED]

15153  
3 [REDACTED]

[REDACTED]  
SL 14/17  
[REDACTED]

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

Approved: [REDACTED]

Transmitted 004 (Number) 504 p (Time) Per [REDACTED]

~~SECRET~~

AX0004 2782104Z

PP HQ

DE AX

P E52030Z OCT 82

FM ALEXANDRIA [REDACTED]

TO DIRECTOR PRIORITY

BT

UNCLAS

ATTENTION: [REDACTED] (S)

FRANCIS E. TERPIL - FUGITIVE, ET AL, RA [REDACTED] CONSPIRACY

SOLICITATION TO COMMIT MURDER

REFERENCE IS MADE TO FBIHQ TELETYPE TO ALEXANDRIA, AUGUST 2, 1982, AND ALEXANDRIA AIRTEL TO FBIHQ AUGUST 17, 1982. FOR INFORMATION OF [REDACTED] TRIAL DATE FOR SUBJECT EDWIN WILSON HAS BEEN SET FOR NOVEMBER 22, 1982. [IN VIEW OF THIS RAPIDLY APPROACHING DEADLINE [REDACTED] IS REQUESTED TO HANDLE ALL OUTSTANDING LEADS AS EXPEDITIOUSLY AS POSSIBLE AND SUTEL ALEXANDRIA WITH RESULTS.] (S) b3 -2

ADMINISTRATIVE:

THE BUREAU IS REQUESTED TO FORWARD THE ABOVE INFORMATION

TO [REDACTED]

BT

b3 -1  
b6 -1  
b7C -1  
b7E -1

SEARCH [REDACTED]  
SERIALIZE [REDACTED]

1417

~~SECRET~~

FBI

TRANSMIT VIA:

Teletype  
 Facsimile  
 Airtel

PRECEDENCE:  
 Immediate  
 Priority  
 Routine

CLASSIFICATION:

TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 10/6/82

TO: DIRECTOR, FBI  
(ATTENTION: SA [redacted])

FROM: SAC, ALEXANDRIA

FRANCIS E TERPIL - FUGITIVE, ET AL;  
RA - [redacted] CONSPIRACY; SOLICITATION  
TO COMMIT MURDER (AX File: [redacted])  
(OO:ALEXANDRIA)

~~SECRET~~

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

4/8/83  
Classified by [redacted]

Declassify on: QADR

EDWIN PAUL WILSON  
(AX File: [redacted])

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

Information contained herein is classified "Secret" b6 -1, -2, -3  
b7C -1, -2, -3

Reference is made to a meeting between Alexandria b7D -2  
Case Agent [redacted] and San Francisco Case Agent  
concerning the above-captioned matters in San Jose.  
California, [redacted] Contact with [redacted] has  
proved most helpful. [redacted] seems to be in a position  
to possibly provide information on a continuing basis concerning  
[redacted]

He may well come into information regarding [redacted]  
[redacted]

~~CLASSIFIED AND EXTENDED BY G-3  
REASON FOR EXTENSION ECIM, II, 1-2-4.2 (7-18-82)  
DATE OF REVIEW FOR DECLASSIFICATION~~

3-Bureau

2-San Francisco

2-Alexandria (1)

(1)

(Attn: SA [redacted])

San Jose RA)

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~

1418

SE

SERIALIZED

Approved: [redacted]

Transmitted \_\_\_\_\_  
(Number) (Time)

Per \_\_\_\_\_

AX

b3 -1  
b7E -1

~~SECRET~~

LEADS

SAN FRANCISCO

AT SAN JOSE, CALIFORNIA

1

[REDACTED]

(X)

2. Continue contact with asset regarding any information concerning [REDACTED] Any information would be helpful. (X)

b6 -2, -4  
b7C -2, -4  
b7D -2

3. [REDACTED] asset mentioned that [REDACTED]

[REDACTED] San Francisco should determine if there have been any follow-up activities regarding this. AUSA [REDACTED] is particularly interested in this. (X)

4A. AUSA [REDACTED] was apprised of the following information [REDACTED]

[REDACTED]

The only

information presently known regarding [REDACTED]

b6 -2, -4  
b7C -2, -4  
b7D -2

[REDACTED] (Any information the asset has or can develop regarding this could be most helpful.) (X)

4B. Contact [REDACTED]

[REDACTED] California, telephone [REDACTED] concerning any knowledge he may have of this matter. It is noted that [REDACTED]

~~SECRET~~

FBI

## TRANSMIT VIA:

Teletype  
 Facsimile  
 Airtel

PRECEDENCE:  
 Immediate  
 Priority  
 Routine

## CLASSIFICATION:

TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O

UNCLAS  
 Date October 4, 1982

~~CONFIDENTIAL~~

TO: SAC, ALEXANDRIA

FROM: SAC, MIAMI

(P)

b3 -1  
b7E -1

FRANCIS EDWARD TERPIL -

FUGITIVE: ET AL

RA -            CONSPIRACY;  
SOLICITATION TO COMMIT  
MURDER; OOJClassified ~~CONFIDENTIAL~~ in its entirety.

Re Miami airtel to Alexandria, 8/10/82.

Enclosed for Alexandria is one conv of 9/23/82

b7D -1  
b7E -5(2) - Alexandria (Enc. 1)             
- Miami           DECLASSIFICATION 6/14/88  
BY           

(5)

b3 -1  
b6 -1  
b7C -1  
b7E -1

Approved: \_\_\_\_\_

Transmitte

(Number) (Time)

X Airtel

~~CONFIDENTIAL~~

October 4, 1982

TO: SAC, ALEXANDRIA [REDACTED]  
FROM: SAC, MIAMI [REDACTED] (P)

b3 -1  
b7E -1

FRANCIS EDWARD TERPIL -  
FUGITIVE ET AL  
RA - [REDACTED] CONSPIRACY;  
SOLICITATION TO COMMIT  
MURDER; OOJ

Classified ~~CONFIDENTIAL~~ in its entirety.

Re Miami airtel to Alexandria, 8/10/82.

(X)(u)

Enclosed for Alexandria is one copy of 9/23/82

[REDACTED] (u)  
[REDACTED] (u)

~~CONFIDENTIAL~~

Classified and Extended by G-3  
Reason for Extension, FCIM, II, 1-2.4.2, 2&3  
Date of Review for Declassification: OADR.

② - Alexandria (Enc. 1)

- Miami  
[REDACTED]

: 6/14/82  
[REDACTED]

b3 -1  
b6 -1  
b7C -1  
b7E -1

1/1/82

DE HQ #0006 2831413

ZNR UUUUU

P 090423Z OCT 82

~~CONFIDENTIAL~~

FM DIRECTOR FBI

TO FBI ALEXANDRIA [REDACTED] PRIORITY

BT

UNCLAS

FRANCIS E. TERPIL - FUGITIVE; ET AL; RA - [REDACTED] CONSPIRACY;

b3 -1, -2  
b7E -1

SOLICITATION TO COMMIT MURDER. OO: AX

BY TELETYPE DATED OCTOBER 8, 1982, [REDACTED]

FURNISHED THE FOLLOWING:

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
SPECIFICALLY IDENTIFIED OTHERWISE.~~

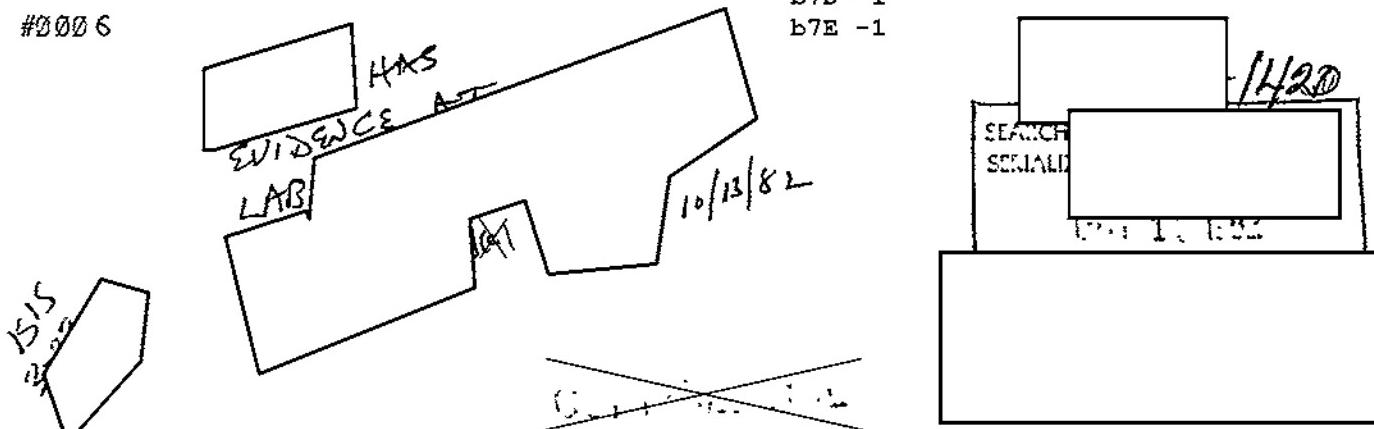
REBUTEL 10/6/82; BUAIRTEL 8/23/82.

[REDACTED]  
b3 -2  
b6 -2, -3  
b7C -2, -3  
b7D -1, -5

REAIRTEL, LAST PARAGRAPH,

BT

#0006



ROUTING SLIP

TO: SA [redacted]  
FROM: UKY SAC [redacted]

DATE: 10-14-82

RE: NCIC MATTER  
STOLEN GUN, VEHICLE AND SECURITIES  
WANTED PERSON VALIDATION CHECK

b3 -1  
b6 -1  
b7C -1  
b7E -1

FILE #: [redacted]

This routing slip is being furnished to you for validation purposes.

Where the NCIC record is missing pertinent searchable information, this should be included by a "modify" message. You should review the file listed above for empty fields on the NCIC entry to insure immediate modifications of data which were not available at time of entry. Be alert for recovered guns and vehicles and wanted persons to be cleared from NCIC.

Your attention is called to the fact that this routing slip has been serialized into your case file and charged to you. If changes are to be made, appropriate notations for desired actions should be listed on the routing slip and returned to [redacted] NCIC Operator. If no changes are to be made in NCIC, you must return this routing slip to the rotor for filing as it is an integral part of the file. Rules governing charged serials apply.

This communication is to be returned by.

10/21/82.

b3 -1  
b6 -1  
b7C -1  
b7E -1

-1421

1- 66-91

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 6-14-08 BY [redacted]

N

VZCZCH20115

RR AX

DE HQ 3315 2321549

ZNR UUUUU

R 15135 8Z OCT 82

FM DIRECTOR FBI [REDACTED]

TO FBI ALEXANDRIA [REDACTED] ROUTINE

[REDACTED] ROUTINE

BT

U N C L A S

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; [REDACTED]

[REDACTED] JEROME S. BROWER, RA- [REDACTED]

CONSPIRACY, SOLICITATION TO COMMIT MURDER, OO: ALEXANDRIA

RE [REDACTED] TELETYPE TO BUREAU, OCTOBER 3, 1982.

[REDACTED] HAS BEEN RECEIVED FROM

b3 -2  
b7D -1

DENVER DIVISION AND IS BEING PHOTOGRAPHED AT FBIHQ.

PHOTOGRAPHS [REDACTED] WILL BE FORWARDED TO [REDACTED]

IN APPROXIMATELY TEN WORKING DAYS.

BT

3315

415188 [REDACTED]  
~~415188~~

5  
[REDACTED]

[REDACTED] -1422  
OCT 15 [REDACTED]

b3 -1  
b6 -1  
b7C -1  
b7E -1

NNNN

FBI(21-cv-5450)-14899



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

Seattle, Washington  
October 8, 1982

[REDACTED]  
DATE OF BIRTH: [REDACTED]

This matter was brought to the attention of the Federal  
Bureau of Investigation (FBI) when [REDACTED]

[REDACTED]

b6 -2  
b7C -2  
b7D -3

address noted to be [REDACTED] Washington and his legal

A check with the Washington State Department of Motor  
Vehicles reflected the following:

Name  
DOB  
Sex  
Eyes  
Height  
Weight  
Address

Restrictions

[REDACTED]

b6 -2  
b7C -2

[REDACTED] Seattle area police agencies, including the Seattle,  
[REDACTED] Police Departments as well as the King County Department  
of Public Safety and FBI Seattle reflected no criminal record. [REDACTED] was  
not listed in any of the Seattle area [REDACTED] directories.

b6 -3  
b7C -3

On September 13 1982 [REDACTED] was interviewed  
and related the following:

[REDACTED]

THIS DOCUMENT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE  
FBI. IT IS THE PROPERTY OF THE FBI AND IS LOANED TO YOUR AGENCY;  
ITS CONTENTS ARE NOT TO BE DISTRIBUTED OUTSIDE YOUR AGENCY.

1423  
FBI ZI-CV-5450-14901

b3 -1  
b6 -1  
b7C -1  
b7E -1

155

[REDACTED]

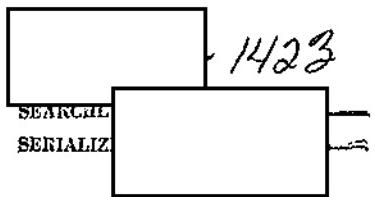
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4-5-88 BY [REDACTED]

[Redacted]  
[Redacted]  
[Large Redacted Area]  
  
b6 -3  
b7C -3

- 2\* -

FBI(21 cv 5450) 14902

b3 -1  
b6 -1  
b7C -1  
b7E -1



# Memorandum



To : DIRECTOR, FBI

Date 10/8/82

From : SAC, SEATTLE [redacted] (RUC)

Subject : FRANCIS EDWARD TERPIL -  
FUGITIVE; [X]  
EDWIN PAUL WILSON - FUGITIVE. [X]

b3 -1  
b6 -2  
b7C -2  
b7E -1

[redacted]  
JEROME S BROWER;  
RA - [redacted] CONSPIRACY; PERJURY;  
SOLICITATION TO COMMIT MURDER  
OO: ALEXANDRIA

Re Bureau teletype to Alexandria, 6/30/82.

Full investigation authorized 3/20/82.

Enclosed for the Bureau are six copies of an LHM with attachment and two copies each for Alexandria, New York, Pittsburgh, WFO captioned [redacted] suitable for possible dissemination to [redacted]

b3 -2  
b6 -3  
b7C -3  
b7D -3

Referenced teletype describes the situation [redacted]  
[redacted]

[redacted] background and candor in explaining his situation and the conditions [redacted] suggests that what appeared at the outset to be deception (i.e., a fictitious address) was more likely a transpositional error [redacted]

- 5 - Bureau (Enc. 6)
  - (1 - Liaison Unit.  
2 - [redacted] [redacted])
- (2) - Alexandria (Enc. 2)
  - 2 - New York (Enc. 2)
  - 2 - Pittsburgh (Enc. 2)
  - 2 - WFO (Enc. 2)
- 1 - Seattle

[redacted]  
(14)

-1424

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/5/88 BY [redacted]

UNITED STATES GOVERNMENT

# memorandum

DATE: 10/19/82

REPLY TO:  
ATTN OF: SA [redacted]

SUBJECT: [redacted]  
[redacted] (OO: AX)

TO:

SA, Alexandria [redacted] (P)

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

b6 -1, -3, -4  
b7C -1, -3, -4  
b7D -2

On 10/19/82, SA [redacted] provided the  
ATTACHED copy of a letter dated [redacted]  
[redacted] (Protect Identity). SA [redacted] said he had obtained

it from AUSA [redacted] Alexandria, VA on 10/13/82.

Copies:

1-

1-

1-

[redacted]  
[redacted]  
b3 -1  
b6 -1  
b7C -1  
b7E -1

1424A



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/19/88 BY [redacted]

OPTIONAL FORM NO. 10  
(REV. 7-76)  
GSA FPMR (41 CFR) 101-11.6  
5010-112

FBI(21-cv-5450)-14908

# Memorandum



To [REDACTED] ALEXANDRIA [REDACTED] (P)

Date 10/20/82

From [REDACTED]

Subject : FRANCIS EDWARD TERPIL - FUGITIVE;  
ET AL  
RA - [REDACTED] CONSPIRACY,  
SOLICITATION TO COMMIT MURDER  
(OO: AX)

b3 -1  
b6 -1  
b7C -1  
b7E -1

Effective 10/18/82, SA [REDACTED] is  
assigned full-time to assist SA [REDACTED] in this case.

15-83

[REDACTED]

1-Alexandria [REDACTED]

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 6/14/08 BY [REDACTED]

SEARCHED  
SERIALIZED

b3 -1  
b6 -1  
b7C -1  
b7E -1

0)-14912

FBI/DOJ

~~SECRET~~

VZ CZ CHQ0121

PP AX

DE HQ #0121 2931142

ZNY SSSSS

P 192020Z OCT 82

FM DIRECTOR FBI [redacted]

TO FBI ALEXANDRIA [redacted] ROUTINE

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

[redacted] PRIORITY

BT

418168  
Classified by [redacted]

Declassify on: OADR

~~SECRET~~

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; [redacted]

[redacted] JEROME S. BROWER, RA [redacted]

b3 -1, -2  
b6 -1, -2  
b7C -1, -2  
b7E -1

CONSPIRACY, SOLICITATION TO COMMIT MURDER; OO: ALEXANDRIA

RE BUREAU TELETYPE TO ALEXANDRIA AND [redacted] DATED

SEPTEMBER 29, 1982.

THIS COMMUNICATION IS CLASSIFIED ~~SECRET~~ IN ITS ENTIRETY.

ON OCTOBER 18, 1982 ASSISTANT UNITED STATES ATTORNEY

(AUSA) [redacted] DISTRICT OF COLUMBIA CONTACTED FBI HQ

AND INQUIRED IF [redacted] HAD AGREED TO ASSIST THE FBI AND  
THE DEPARTMENT OF JUSTICE [redacted]

b6 -4  
b7C -4  
b7D -2

[redacted] IN ADDITION,

AUSA [redacted] REQUESTED THAT [redacted]

12383  
[redacted]

[redacted] -1426  
SEARCHED  
SERIALIZED  
OCT 20 1982

~~SECRET~~

b3 -1  
b6 -1  
b7C -1  
b7E -1

5450)-14913

PAGE TWO DE HQ 0121 ~~SECRET~~

[Redacted]  
[Redacted] X  
[Redacted]

b3 -1, -2  
b7D -2  
b7E -1

[Redacted] IS REQUESTED TO EXPEDITIOUSLY ADVISE FBI HQ  
WHETHER [Redacted] IS IN A POSITION TO ASSIST IN ABOVE MATTERS. X  
[Redacted]

BT

#0121

NNNN

~~SECRET~~

\$

FBI(21-cv-5450)-14914

~~SECRET~~

VZCZ CHQ0268

OO AX

DE HQ #6068 2941729

ZNY SSSSS

O 211624Z OCT 82

FM DIRECTOR FBI

TO FBI ALEXANDRIA IMMEDIATELY [redacted]

BT

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

4008  
Classified by [redacted]

Declassify on: OADR

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

FRANCIS EDWARD TERPIL - FUGITIVE; ET AL; RA [redacted] CONSPIRACY;

SOLICITATION TO COMMIT MURDER; OO: ALEXANDRIA

BY TELETYPE DATED OCTOBER 21, 1982, [redacted]

ADVISED:

ALL PARAGRAPHS ~~SECRET~~ UNLESS NOTED.

REBUTEL SEPTEMBER 30, 1982.

[redacted] (PROTECT PER EXPRESS PROMISE OF CONFIDENTIALITY)

ADVISED OCTOBER 14, 1982, THAT HE HAS BEEN IN CONTACT WITH [redacted]

b3 -2  
b7D -2

b3 -1  
b6 -1, -4  
b7C -1, -4  
b7E -1

[redacted]  
SEARCHED  
SERIALIZED

1427

~~SECRET~~

0)-14917

PAGE TWO DE HQ 3068 ~~SECRET~~

b3 -1, -2  
b6 -1  
b7C -1  
b7D -2  
b7E -1

BUREAU SHOULD NOTE THAT [REDACTED]

[REDACTED] AND WILL BE IN CONTACT WITH [REDACTED]

[REDACTED] WILL CONTACT [REDACTED] AND DETAILS

CONCERNING ADDITIONAL ACTION WILL BE PROVIDED TO BUREAU. (S) [REDACTED]

BT

#0068

NNNNAX 1 2941730Z BLL

~~SECRET~~



U.S. Department of Justice

Federal Bureau of Investigation

~~SECRET~~

Washington, D.C. 20535

October 22, 1982

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
WHERE SHOWN OTHERWISE b6 -1, -3, -4  
b7C -1, -3, -4  
b7D -2~~

To: [redacted]  
Assistant United States Attorney  
District of Columbia

From: Special Agent [redacted]  
International Terrorism Unit  
FBIHQ

Classified by [redacted]  
Declassify on [redacted]

Subject: [redacted]

This communication is unclassified, unless otherwise  
noted.

Record set forth in Historical Overview.

Information was received that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

Information was received that [redacted]

Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

~~SECRET~~

~~Classified by G-3  
Declassify on: QADR~~  
b3 -1  
b6 -1  
b7C -1  
b7E -1

15  
3-83

Ax

1428

FBI(21 cv 5450) 14921

~~SECRET~~

[REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED] - Identified as [REDACTED]

Information was received that [REDACTED]

[REDACTED] - Identified as [REDACTED]

Information received from various sources concerning [REDACTED]

[REDACTED] - Identified as [REDACTED]

No record in Bufiles.

[REDACTED] - Identified as [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

No record in Bufiles. [REDACTED]

[REDACTED] Identified as [REDACTED]

No pertinent information in Bufiles.

[REDACTED] Identified as [REDACTED]

No record in [REDACTED].

[REDACTED] - Identified as [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

Record set forth in Historical Overview.

[REDACTED] - Identified as [REDACTED]

Record set forth in Historical Overview.

[REDACTED] - Identified as [REDACTED]

No record in Bufiles.

~~SECRET~~

~~SECRET~~

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]  
✓ Identified as [redacted] (S)

No record in Bufile [redacted]

[redacted] - Identified as [redacted] (S)

Record set forth in Historical Overview.

[redacted] ✓ Identified as [redacted] (S)

Record set forth in Historical Overview.

[redacted] ✓ Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted] (S)

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] ✓ Identified as [redacted] (S)

No record in Bufiles.

[redacted] ✓ Identified as [redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] ✓ Identified as [redacted] (S)

Record set forth in Historical Overview.

[redacted] ✓ Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] ✓ Identified as [redacted] (S)

Information had been [redacted] to interview [redacted]  
in reference to allegation [redacted]

[redacted] Teletype dated September 2, 1982, to Denver in [redacted]  
did not want to conduct this interview at this time due to [redacted]

b3 -1, -2  
b6 -2, -3  
b7C -2, -3  
b7D -2, -5  
b7E -1

~~SECRET~~

~~SECRET~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[redacted]

[redacted] - Identified as [redacted]  
~~(S)~~

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] - Identified as [redacted]  
~~(S)~~

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] - Identified as [redacted]  
~~(S)~~

Information from various sources [redacted]  
~~(S)~~

[redacted] ✓ Identified as [redacted]  
~~(S)~~

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] Identified as [redacted]  
~~(S)~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

No record in Bufiles [redacted]  
✓ Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] ✓ Identified as [redacted]  
~~(S)~~

Information received from [redacted]

named [redacted] date of birth [redacted]  
~~(S)~~

[redacted] ✓ Identified as [redacted]  
~~(S)~~

Information received from [redacted]  
concerning [redacted]  
~~(S)~~

[redacted] - Identified as [redacted]  
~~(S)~~

No record in Bufiles.

[redacted] ✓ Identified as [redacted]  
~~(S)~~

No record in Bufiles.

b6 -2, -3  
b7C -2, -3  
b7D -2

~~SECRET~~

~~SECRET~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[redacted] - Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted]

Record set forth in Historical Overview.

[redacted] - Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] - Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] - Identified as [redacted]

No record in Bufiles.

[redacted] - Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

[redacted] - Identified as [redacted]

No record in Bufiles other than [redacted] (Wilson/Terpil).

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

~~SECRET~~

~~SECRET~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[REDACTED] Identified as [REDACTED]

No record in Bufiles other than [REDACTED] (Wilson/Terpil). ~~(S)~~

[REDACTED] Identified as [REDACTED]

No record in Bufiles.

[REDACTED] Identified as [REDACTED]

No pertinent information in Bufiles.

[REDACTED] X Identified as [REDACTED]

No pertinent information in Bufiles.

[REDACTED] Identified as [REDACTED]

Information received from various sources [REDACTED]

[REDACTED] X Identified as [REDACTED]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

No record in Bufiles.

[REDACTED] X Identified as [REDACTED]

No record in Bufiles other than [REDACTED] (Wilson/Terpil). ~~(S)~~

[REDACTED] X Identified as [REDACTED]

No record in Bufiles other than [REDACTED] (Wilson/Terpil).

[REDACTED] Identified as [REDACTED]

No record in Bufiles other than [REDACTED] (Wilson/Terpil).

[REDACTED] Identified as [REDACTED]

No record in Bufiles other than [REDACTED] (Wilson/Terpil). ~~(S)~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

~~SECRET~~

-4-

FBI(21-cv-5450)-14926

~~SECRET~~

[Redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[Redacted] - Identified as [Redacted]

(X)

No record in Bufiles.

[Redacted] - Identified as [Redacted]

(X)

No record in Bufiles.

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

FOI,PA

DELETED PAGE INFORMATION SHEET

FOI,PA# 21 cv 5450

Total Deleted Page(s) 50

Page 5 ~ Duplicate,

Page 6 ~ Duplicate,

Page 7 ~ Duplicate,

Page 8 ~ Duplicate,

Page 15 ~ b3 1; b6 1, 3, 4; b7C - 1, 3, 4; b7D - 2; b7E - 1;

Page 16 ~ b6 2, 3; b7C - 2, -3; b7D - 2;

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Page 50 ~ b3 - 1, b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

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Page 52 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

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Page 54 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 55 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 56 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 57 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 58 ~ b3 - 1; b5 - 1; b6 - 1, -2, -3; b7C - 1, -2, -3; b7D - 2; b7E - 1;

Page 59 ~ b3 - 1; b5 - 1; b6 - 1, -2, -3; b7C - 1, -2, -3; b7D - 2; b7E - 1;

Page 60 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 61 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 62 ~ b3 - 1; b5 - 1; b6 - 2, -3; b7C - 2, -3; b7D - 2; b7E - 1;

Page 63 ~ b3 - 1; b5 - 1; b6 - 3, -4; b7C - 3, -4; b7D - 2; b7E - 1;

Page 90 ~ Duplicate;

Page 91 ~ Duplicate;

Page 96 ~ Duplicate;

Page 101 ~ b6 - 1, -2, -3; b7C - 1, -2, -3; b7D - 2;

Page 105 ~ Duplicate;

Page 106 ~ Duplicate;

Page 107 ~ Duplicate;

Page 108 ~ Duplicate;

Page 109 ~ Duplicate;

Page 110 ~ Duplicate;

Page 111 ~ Duplicate;

Page 112 ~ Duplicate;

Page 113 ~ Duplicate;

Page 114 ~ Duplicate;

Page 115 ~ Duplicate;

Page 116 ~ Duplicate;

Page 117 ~ Duplicate;

Page 118 ~ Duplicate;

Page 119 ~ Duplicate;

Page 120 ~ Duplicate;

Page 121 ~ Duplicate;

Page 133 ~ Duplicate;

Page 134 ~ Duplicate;

Page 135 ~ Duplicate;

Page 136 ~ Duplicate;

Page 137 ~ Duplicate;

Page 138 ~ Duplicate,

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b6 -1  
b7C -1

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

b6 -1, -31  
b7C -1, -3  
b7D -2

Date of transcription  
3/24/83

This document is classified "~~secret~~" in its entirety.

On March 13, 1983, [redacted] provided the following signed statement concerning his knowledge of activities

"I, [redacted] hereby make the following free and voluntary statement to Special Agent [redacted] who has identified himself as a Special Agent of the F.B.I. This interview is taking place in the New York City Office of the F.B.I.

b6 -2, -3  
b7C -2, -3  
b7D -2

~~Classified by G-3  
ECC EADR~~

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

51369  
Classified by  
Declassify

Interviewed on 3/13/83 at New York, New York File

By SA

Date Dictated 3/18/83 b7C -1  
b7E -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

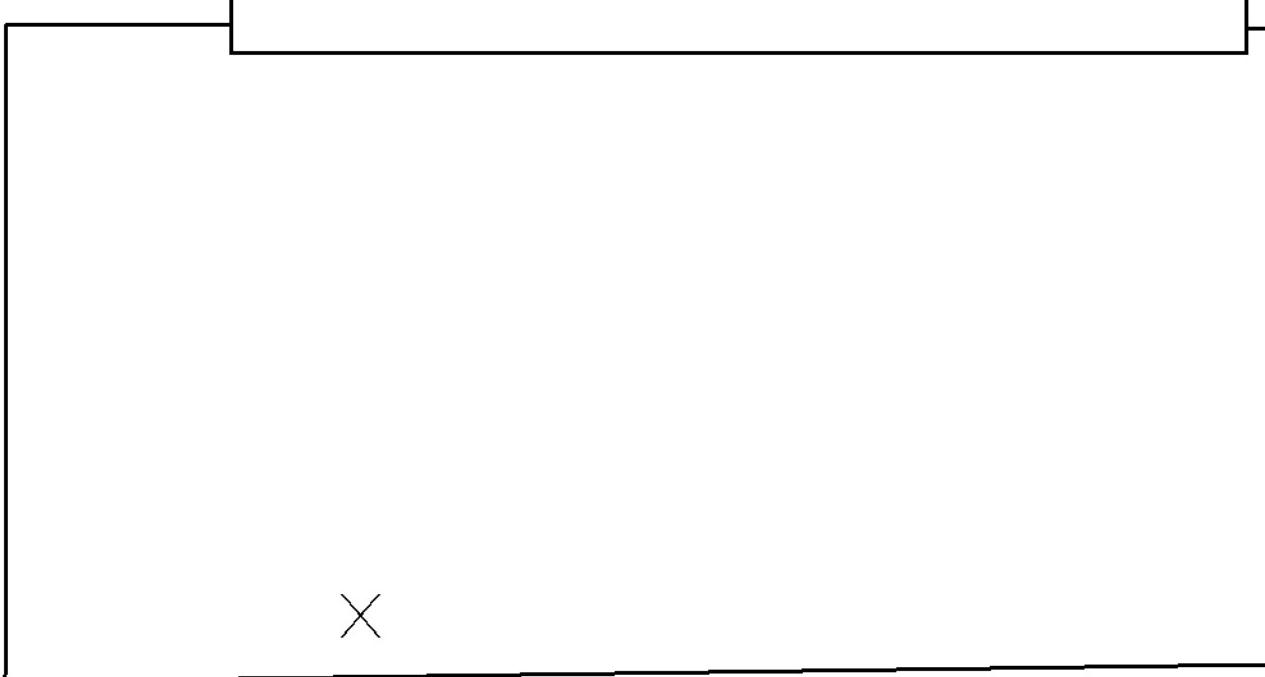
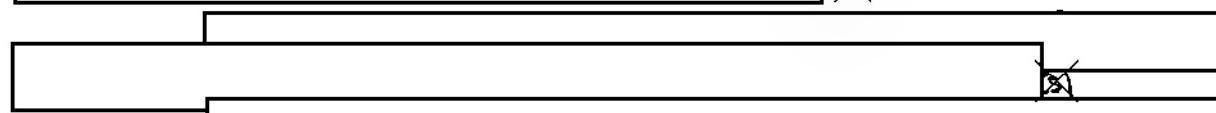
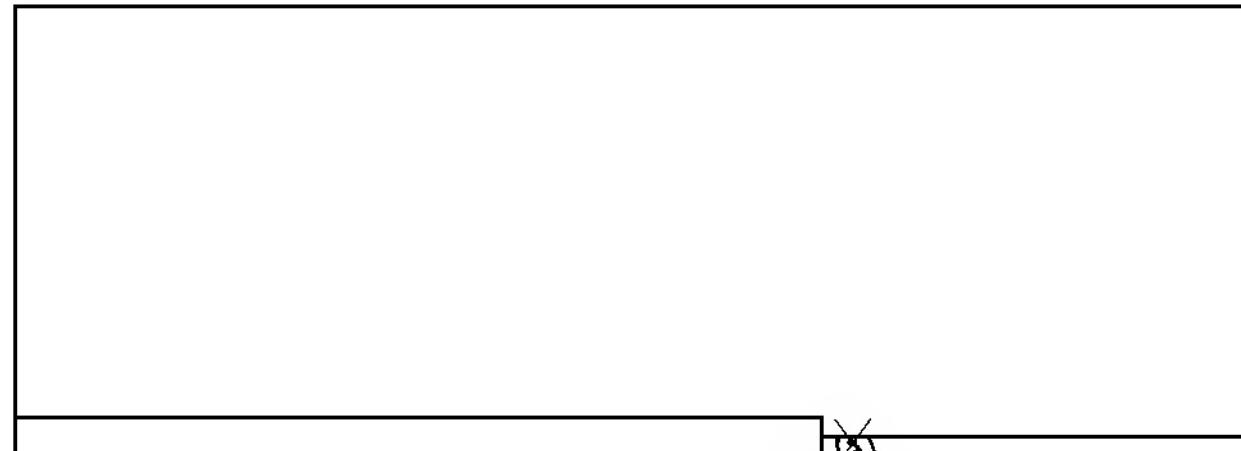
FBI(21 cv 5450) 14937

$\odot E C R F T$

~~SECRET~~

NY  
2

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1



b6 -2, -3  
b7C -2, -3  
b7D

~~SECRET~~

NY  
3

~~SECRET~~

b3 -1  
b6 -3  
b7C -3  
b7D -2  
b7E -1

X

b6 -2, -3  
b7C -2, -3  
b7D -2

~~SECRET~~

NY  
4

~~SECRET~~

b3 -1  
b6 -1, -3  
b7C -1, -3  
b7D -2  
b7E -1

Please make seven copies of [redacted] to be enclosed for the Bureau and AX.

The original signed statement will be returned to SA [redacted]  
by U.S. mail.

~~SECRET~~

~~SECRET~~

P 261445Z APR 83

FM [redacted]

(P)

TO DIRECTOR [redacted] PRIORITY 062-26

BT

~~CONFIDENTIAL~~

sl3/89  
Classified by [redacted]  
Declassify on [redacted]

FRANCIS EDWARD TERPIL - FUGITIVE; EDWIN PAUL WILSON; ET AL;

RA [redacted] CONSPIRACY, SOLICITATION TO COMMIT MURDER,

OO: ALEXANDRIA.

THIS COMMUNICATION IS CLASSIFIED ~~CONFIDENTIAL UNLESS~~  
OTHERWISE NOTED. (u)

REBUTEL DATED APRIL 22, 1983. (u)

FOR INFORMATION OF THE BUREAU. [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

[redacted]

100

1225

[redacted]

b3 -1, -2  
b6 -1  
-b7C -1  
b7E -1, -6

MAR 3 1983

WAS APPRISED

OF BUTEL [redacted]

073 40 ALEXANDRIA [redacted]

4/22/83

b6 -1  
b7C -1

~~SECRET~~

(Ex-5450) 14945

~~SECRET~~

PAGE TWO

~~CONFIDENTIAL~~

FURNISH INFORMATION TO THE BUREAU OBTAINED FROM [redacted]

b3 -1, -2  
b7E -1, -6

[redacted] b3  
BUREAU, THROUGH LIAISON UNIT, REQUESTED TO CONTACT [redacted] TO  
OBTAIN ALL INFORMATION CONCERNING [redacted]

(S)

BT

~~SECRET~~

BY [REDACTED]

~~SECRET~~

POI/PA # [REDACTED]  
APPEAL # [REDACTED]  
CIVIL ACT # [REDACTED]  
E.O. # [REDACTED]  
DATE 513189

~~SAC Apparatus File~~

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

P 271900Z APR 83 TEL  
RECEIVED 5/7/83

FM [REDACTED] 5/7/83  
TO DIRECTOR PRIORITY [REDACTED]  
BT

~~CONFIDENTIAL~~ [REDACTED] A-1

FRANCIS EDWARD [REDACTED] - FUGITIVE; EDWIN PAUL WILSON; ET AL;

RA [REDACTED] CONSPIRACY, SOLICITATION TO COMMIT MURDER,

CO: ALEXANDRIA.

513189  
Classified by  
Declassify on

ENTIRE TEXT IS CLASSIFIED ~~CONFIDENTIAL~~

[REDACTED] APRIL 26, 1983.

[REDACTED] WOULD BE FURNISHED TO FBIHQ.

UACB [REDACTED] TAKING NO FURTHER ACTION.

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1, -6

BT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
WHERE SHOWN OTHERWISE

FBI (5450) 14947

AX0014 111205 TZ

PP HQ NY

DE AX

P 211900Z APR 83

FM ALEXANDRIA [REDACTED] (P)

TO DIRECTOR PRIORITY

NEW YORK PRIORITY

BT

~~SECRET~~

ATTENTION: SSA [REDACTED] TERRORISM; SA [REDACTED] NY

FRANCIS E. TERPIL - FUGITIVE, ET AL; RA [REDACTED] CONSPIRACY

RE TELEPHONE CALL TO SSA [REDACTED] THIS DATE.

AT APPROXIMATELY 10:00 A.M., ALEXANDRIA CASE AGENT WAS

CONTACTED BY [REDACTED]

[REDACTED]  
7 APR 21 09z  
DEPT OF INVESTIGATION  
b3 -1  
b6 -1  
b7C -1  
b7E -1

[REDACTED]  
b6 -1, -2, -4  
b7C -1, -2, -4  
b7D -2

-1227

DE-108

V-3

7 APR 21 09z

X I  
DE-108

b3 -1  
b6 -1  
b7C -1  
b7E -1

DECLASSIFIED ON 5/3/89

BY [REDACTED]

FBI(21 cv 5450) 14948

PAGE TWO AX

~~SECRET~~

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7D -2  
b7E -1

SUBSEQUENT CONVERSATION WITH [REDACTED] INDICATED THAT [REDACTED]

b6 -2, -4  
b7C -2, -4  
b7D -2

PAGE THREE AX

~~SECRET~~

PAST CONTACT WITH [REDACTED] HAS REVEALED THAT [REDACTED]

[REDACTED]  
b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

PAST INTERVIEWS WITH [REDACTED] HAVE REVEALED [REDACTED]

[REDACTED]  
(IN REFERENCE TO [REDACTED])  
b6 -1, -3  
b7C -1, -3  
b7D -2

THIS WHEN INTERVIEWING [REDACTED]

AS HEAD QUARTERS IS AWARE, SA [REDACTED]

[REDACTED] OBTAINING SIGNED STATEMENTS FROM [REDACTED]

ALEXANDRIA WILL REINTERVIEW [REDACTED] ON THE ITEMS SET OUT IN BUREAU  
TELETYPE DATED APRIL 14, 1983, HOWEVER, BECAUSE OF THE  
AFOREMENTIONED ITEMS, NO FURTHER CONTACT IS DEEMED USEFUL OR  
DESIRABLE.

~~CASSIFIED BY G-3; DECLASSIFY ON OADR.~~

BT

AX0324 1182129Z

RR HQ

DE AX

P 282030Z APR 83

FM ALEXANDRIA [REDACTED]

TO DIRECTOR [REDACTED]

ROUTINE

8 APR 83 21 362

FD-36, 10 ECU  
OF INVESTIGATION

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~

ATTN: ASA [REDACTED], TERRORISM SECTION

FRANCISE E. TERPIL - FUGITIVE, ET AL: RA [REDACTED] CONF b6 -1, -2, -4  
b7C -1, -2, -4  
b5 -1

RE BUREAU TELETYPE TO AX, DATED APRIL 26, 1983.

ON APRIL 26, 1983, A MEETING WAS HELD IN AUSA [REDACTED] OFFICE  
WITH [REDACTED] AND AX CASE AGENT.

[REDACTED] STATED THAT

b3 -2  
b6 -2, -3  
b7C -2, -3  
b7D -1  
b7E -8  
b5 -1

V-3 [REDACTED]

6 MAY

X 1,2  
DE-1

7 MAY 3 1983

b3 -1  
b6 -1  
b7C -1  
b7E -1

DECLASSIFIED ON 5/13/89

B

FBI(21-cv-5450)-14954

PAGE TWO AX

~~S E C R E T~~

STATED THAT

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -1  
b7E -1  
b5 -1

WOULD FURNISH

STATED THAT

DID NOT KNOW

b6 -2, -3  
b7C -2, -3  
b7D -1  
b5 -1

2

PAGE THREE AY

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -1  
b7E -1  
b5 -1.

AT THIS POINT, THE DISCUSSION CENTERED AROUND

~~CLASSIFIED BY G-3; DECLASSIFY ON OADR.~~

BT

FBI(21-cv-5450)-14956



## UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Alexandria, Virginia

April 26, 1983

In Reply, Please Refer to  
File No.b6 -2, -3, -4  
b7C -2, -3, -4  
b7D -2

[redacted] and his activities came to the attention of the Federal Bureau of Investigation (FBI) through interviews of close business and personal associates of Edwin P. Wilson. Various attempts were made to attempt an FBI interview of [redacted] when it was learned [redacted]

[redacted]

[redacted]

[redacted] contacted Assistant United States Attorney (AUSA) [redacted] and his attorney. [redacted] Washington, D. C., contacted AUSA [redacted]

Prior to submitting to interview by the FBI.

b6 -2, -3, -4  
b7C -2, -3, -4  
b7D -2  
b5 -3

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

b3 -1  
b6 -1  
b7C -1  
b7E -1

-1229

ALL INFORMATION  
HEREIN IS UNCLAS  
DATE 5/3/89 BY [redacted]

[redacted]

FBI(21 cv 5450) 1495/

[redacted]  
b6 -3  
b7C -3  
b7D -2, -5

[redacted] Subsequently, [redacted] submitted to  
interviews by the FBI [redacted] The quality of the information  
furnished [redacted]

[redacted]  
On April 21, 1983 [redacted] the Alexandria  
Field Office of the FBI [redacted]

b6 -3  
b7C -3  
b7D -2

[redacted]  
On April 22, 1983, the Alexandria Field Office  
of the FBI was advised by the New York Office that [redacted]

FBI

## TRANSMIT VIA:

- Teletype  
 Facsimile  
 Airtel

## PRECEDENCE:

- Immediate  
 Priority  
 Routine

## CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 4/26/83

b3 -1  
b6 -1  
b7C -1  
b7E -1

DIRECTOR, FBI

(ATTN: SSA [REDACTED]

TERRORISM SECTION, DIVISION 6

FM:

SAC, ALEXANDRIA [REDACTED]

(P)

INCIS-E. TERPIL - FUGITIVE:

AL

RA - CONSPIRACY;  
SOLICITATION TO COMMIT MURDER  
(OO: AX)

b3 -1  
b6 -1, -3, -4 4/21/83; and New York teletype, 4/22/83.  
b7C -1, -3, -4

b7D -2  
b7E -1

Enclosed for the Bureau are five, and New York, two copies each of an LHM suitable for dissemination as deemed appropriate. This LHM contains information from FBI files and recent contacts with the involved parties. This LHM has been disseminated to [REDACTED]

AUSA [REDACTED]

[REDACTED] DISTRICT OF COLUMBIA (DDC), and  
AUSA [REDACTED] EAST [REDACTED] VIRGINIA (EDVA)

RE: [REDACTED] DF-1 [REDACTED] - 1229  
The Bureau, in a tele [REDACTED] advised  
that [REDACTED] should be reinterviewed concerning a number of items not previously covered. In light of the recent events involving [REDACTED]

[REDACTED] as pointed out in [REDACTED]  
Alexandria teletype dated 4/21/83, and the quality of the information he has furnished, management in the Alexandria Field Office believe it would serve no useful purpose to conduct further interviews of [REDACTED]

1cc & 1 ENC, RM S  
2-Bureau (Enc 5) [REDACTED]  
2-New York [REDACTED] (ENC 2)  
2-Alexandria [REDACTED]

7 MAY 3 1983

1 ENC to DA/AS/MAR/P, JUN 1, 1983  
Criminal DIV, DDCI URGENT

Approved: [REDACTED]

Transmitted

(Number) (Time)

Per b3 -1

b6 -1

b7C -1

b7E -1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5/31/89 BY [REDACTED]

DX-381. LACM

FBI(21 cv 5450) 14959

AX [redacted]

any further contact [redacted]

UACB, Alexandria will not attempt further interview of [redacted]

Alexandria, in reviewing the file, has determined only two short FD-302's (one 1-page, dated 7/20/82; and one 2-page, dated 4/21/82) of interviews of [redacted] in the Alexandria file. Also, Alexandria and AUSA [redacted] are

[redacted] NCTC

negative on [redacted]

b3 -1  
b6 -3, -4  
b7C -3, -4  
b7D -2  
b7E -1

LEADS:

NEW YORK

AT NEW YORK, NEW YORK: Review New York file to determine if other FD-302's exist on [redacted]. If so, forward to Alexandria.

2. Advise the particulars of [redacted]

R 261330Z APR 83

FM [REDACTED] (P)

TO DIRECTOR FBI ROUTINE 325-26

ATTENTION: SSA [REDACTED]

TERRORISM SECTION, CID

ROUTINE 027-26

~~EX-REF T~~  
FRANCIS E. TERPIL-FUGITIVE, ET AL; RA [REDACTED] CONSPIRACY; SOLICITATION  
TO COMMIT MURDER(S); OO:AX.

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1  
tech Servs --  
Training --  
Off of Cong  
& Public Affs --  
Telephone Rm --  
Director's Sec'y --

RE ALEXANDRIA AIRTELS DECEMBER 17, 1982, AND MARCH 23, 1983

INTERVIEWED AT HIS RESIDENCE APRIL 21, 1983. DETAILS TO FOLLOW IN  
AIRTEL AND FD-302.

HOWEVER, FOR INFORMATION AND LEAD PURPOSES REGARDING FRANCIS E.  
TERPIL, [REDACTED] ADVISED THAT ALTHOUGH HE HAS NOT SEEN NOR HEARD FROM  
HIM SINCE [REDACTED] HE HAS A "GUT" FEELING THAT TERPIL IS STILL  
ALIVE.

ACCORDING TO [REDACTED]

[REDACTED] MAY HAVE INFORMATION REGARDING TERPIL.

WHEREABOUTS. [REDACTED] ADVISED THAT ALTHOUGH [REDACTED] DENIED KNOWING  
TERPIL'S LOCATION, HE WAS SKEPTICAL OF THIS DENIAL AND IN FACT

1230  
b3 -1  
b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -2  
b7E -1

APR 29 1983

1-cc in 4239; 073 to Alexandria  
[REDACTED]  
UN 4/1983

b6 -1  
b7C -1

54 JUN 2 1985

DECLASSIFIED ON 5/3/89  
BY [REDACTED]

FBI(2T)TV 5450) 14961

PAGE TWO DE [redacted] 0271 S E C R E T

RECEIVED A CALL FROM [redacted] DURING  
WHICH [redacted] STATED TO [redacted]

[redacted]  
[redacted] BELIEVED [redacted] WAS REFERRING TO TERPIL. HE WAS  
RELUCTANT TO PROVIDE [redacted] NAME AND IT IS REQUESTED THAT ANY

INTERVIEW OF HIM WHICH ALEXANDRIA MIGHT REQUEST THAT [redacted]

[redacted] BE DONE IN SUCH A MANNER AS TO PROTECT [redacted]

DURING THE COURSE OF THE INTERVIEW, [redacted] WAS ASKED IF HE  
EVER WAS AWARE THAT [redacted]

b3 -2  
b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]  
b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -2  
b7D -2

[redacted]  
[redacted]  
[redacted] DURING HIS CONVERSATIONS WITH [redacted]  
[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

PAGE FOUR DE [redacted] 0271 ~~SECRET~~

[redacted]  
[redacted] COULD NOT RECALL

[redacted] DOES RECALL READING

NEWS ACCOUNTS [redacted]

b3 -2  
b6 -2, -3  
b7C -2, -3  
b7D -2

THE ABOVE WILL BE DETAILED IN FOLLOW-UP AIRTEL AND FD-302.

ADMINISTRATIVE:

FBI HQ RETRANSMIT TO ALEXANDRIA.

~~G-BY 2675, DECL ON OADR.~~

BT

b3 -2  
b6 -2, -3  
b7C -2, -3  
b7D -2

651

1 2

MAY 2, 1983

UNCLAS

PRIORITY

#F0510PP AX NYIDE HQ H0051 #HIVUWP 021646Z MAY 83

b3 -1  
b6 -1  
b7C -1  
b7E -1

FM DIRECTOR FBI [REDACTED]  
TO FBI ALEXANDRIA [REDACTED] ROUTINE  
FBI NEW YORK [REDACTED] PRIORITY

BT

U N C L A S

FRANCIS E. TERPIL - FUGITIVE; EDWIN PAUL WILSON; ET AL; RA-  
[REDACTED] CONSPIRACY, SOLICITATION TO COMMIT MURDER, OO:

ALEXANDRIA

RE ALEXANDRIA AIRTEL AND LHM DATED, APRIL 26, 1983; NEW  
YORK TELETYPE TO BUREAU, DATED APRIL 22, 1983; BUREAU [REDACTED] TYPE  
TO ALEXANDRIA, DATED APRIL 11, 1983.

b3 -1  
b6 -1  
b7C -1  
b7E -1

NEW YORK IS REQUESTED TO EXPEDITIOUSLY SUBMIT [REDACTED] ENG  
FORTH DETAILS CONCERNING [REDACTED]

[REDACTED]  
[REDACTED]  
BASED ON RECENT DEVELOPMENTS [REDACTED]

b6 -3  
b7C -3  
b7D -2

1 - MR. KLEIN

{S}

b3 -1  
b6 -1  
b7C -1  
b7E -1

12 MAY 4 1983

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5/31/09 BY [REDACTED]

66 MAY 201903

FBI(21 cv 5450) 14965

2

PAGE TWO DE HQ 0051 UNCLAS

[REDACTED]  
IN VIEW OF THE IMPORTANCE OF THE WILSON SPIN-OFF CASES AND  
THE INDEPENDENT WILSON INQUIRIES [REDACTED]

[REDACTED] FBIHQ CONCLUDES THAT THE CONTINUED  
DEBRIEFING OF [REDACTED] IS DESIRABLE.

b6 -3  
b7C -3  
b7D -2, -5

ALEXANDRIA IS REQUESTED TO PROCEED WITH INTERVIEWS AND TO  
ADVISE IF [REDACTED]

BT

I

NOTE: REFERENCE [REDACTED] BUREAU TELETYPE REQUESTED [REDACTED] ALEXANDRIA  
REINTERVIEW [REDACTED] CONCERNING TOPICS  
PERTINENT TO THE RELATIONSHIPS BETWEEN [REDACTED] WILSON AND  
ASSOCIATES. THESE TOPICS WERE NOT ADDRESSED DURING PREVIOUS  
INTERVIEWS.

b6 -3  
b7C -3  
b7D -2

REFERENCED NEW YORK TELETYPE ADVISED [REDACTED]

[REDACTED]  
REFERENCED ALEXANDRIA AIRTEL AND LHM [REDACTED]

[REDACTED]  
[REDACTED]  
MARK b6 -3, -4  
b7C -3, -4  
b7D -2

RICHARD, DEPUTY ASSISTANT ATTORNEY GENERAL {DAAG}, CRIMINAL  
DIVISION, DOJ.

THIS COMMUNICATION INSTRUCTS NEW YORK TO SUBMIT LHM  
SETTING FORTH DETAILS CONCERNING [REDACTED]

[REDACTED] IN SPITE OF THESE RECENT b6 -3  
DEVELOPMENTS ALEXANDRIA IS BEING REQUESTED TO CONTINUE b7C -3  
INTERVIEWS OF [REDACTED] DUE TO THE IMPORTANCE OF THE WILSON SPIN- b7D -2, -5  
OFF CASES AND THE INDEPENDENT WILSON INQUIRIES [REDACTED]

FBI

## TRANSMIT VIA:

- Teletype  
 Facsimile  
 Airtel

## PRECEDENCE:

- Immediate  
 Priority  
 Routine

## CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 5/13/83TO: DIRECTOR, FBI  
 (ATTN: SPECIAL PROJECTS SECTION, LABORATORY DIVISION)

FROM: SAC, ALEXANDRIA [redacted]

FRANCIS E. TERPIL-FUGITIVE;

ET AL:

RA [redacted]  
CONSPIRACY

## FUGITIVE INDEX [redacted]

Enclosed for the laboratory is a color photo of three males. The [redacted] male (on the left side) is [redacted]. The stout male (on the right side) is subject Terpil. The individual in the middle is unidentified. This is the most recent photo the Bureau has of the subject.

b3 -1  
 b6 -1, -2  
 b7C -1, -2  
 b7E -1

## REQUEST OF THE LAB:

- 1) Duplicate the enclosed photo in color and forward 25 copies (3 X 5 or similar size)
- 2) Crop enclosed photo showing only subject Terpil, enlarge in color to 3 X 5 or similar size and forward 25 copies)
- 3) Airbrush Terpil's mustache out of picture (prepared in Number 2 above) and forward 25 copies in color.

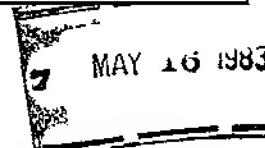
2 Bureau (Enc. 1)  
 1-Alexandria

(3)

1cc+enc 1  
 m fm 1B224  
 WO. 8302868



1\*



O-17 + 0 Alexandria  
 No Engineering Priority.  
 No Office Priority  
 SPEC. PR

b3 -1  
 b6 -1  
 b7C -1  
 b7E -1

mittled

(Number)

(Time)

Per

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 5/3/89 BY 14968

54 JUN 5 1983

WY0219 41P61PC

FP NO AX

PP NY 652

P 222

P 53

YORK

ECTOR PRIORITY

CID-TERRORISM SECTION

NDRIA

PRIORITY

U N C L A S

FRANCIS E. TERPIL-FUGITIVE; EDWIN PAUL WILSON, ET AL;

ACT [REDACTED] CONSPIRACY, SOLICITATION TO COMMIT MURDER, OO: AX.

RENYTEL CALL TO FBIHQ ON APRIL 21, 1983.

THE PURPOSE OF THIS TEL IS TO SOLICIT THE INFORMATION FROM  
THE ALEXANDRIA OFFICE AND FBIHQ REGARDING A RELATIONSHIP THAT

[REDACTED] WITH REGARD TO

CAPTIONED MATTER. INFORMATION HAS BEEN RECEIVED BY THE NYO  
FROM [REDACTED] WHO HAS BEEN

EXTENSIVELY INTERVIEWED BY THE NYO AFTER SHE CONTACTED THE  
NYO AND PROVIDED A Wealth OF INFORMATION REGARDING [REDACTED]

[REDACTED] EDWIN PAUL WILSON AND THE LIBYAN

GOVERNMENT WHICH PLAYED A SUBSTANTIAL PART IN DRUGS DE-147  
THE TRAIN OF EVIDENCE WHICH LED TO EDWIN PAUL WILSON'S

7 APR 28 1983

1233

b3 -1  
b6 -1  
b7C -1  
b7E -1

ALL INFORMATION  
HEREIN IS UNCLAS  
DATE 5/13/89

FBI(21 cv 5450) 14969

PAGE TWO U N C L E NY YO [redacted]

THAT AUSA [redacted] OF THE WASHINGTON, D.C. OFFICE OF THE  
U.S. ATTORNEY'S OFFICE [redacted]

b3 -1  
b6 -3, -4  
b7C -3, -4  
b7D -2  
b7E -1

SPECIFICALLY, ALEXANDRIA WILL RECALL THAT THE WYO  
EXTENSIVELY INTERVIEWED [redacted] AFTER SHE CONTACTED  
[redacted] TO ADVISE OF HER KNOWLEDGE  
[redacted] AND HER BELIEF THAT  
HE WAS CONNECTED WITH EDWIN PAUL WILSON AND PERHAPS IT'S

b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -1  
b6 -3  
b7C -3  
b7D -2  
b7E -1

[redacted] HAS CONTACTED THE NYO ON FUMEROUS OCCASIONS  
SINCE CONTACT WITH [redacted] HAS  
INDICATED THAT [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

b6 -2, -3  
b7C -2, -3  
b7D -2

PAGE FIVE U N C L A S NEW YORK

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

NEW YORK HAS NO INFORMATION INDICATING

THAT [REDACTED] HAS EVER PROVIDED SUFFICIENT INFORMATION WHICH  
LED DIRECTLY TO THE CONVICTION OF COMTIN PAUL WILSON OR  
ANY OTHER INDIVIDUAL IN CONNECTION WITH THIS CASE. ALEXANDRIA  
PLEASE DISCUSS THIS MATTER WITH AGENT [REDACTED] AND SUTCL  
RESULTS. FBIHQ COMMENTS ARE SOLICITED.

b6 -3, -4  
b7C -3, -4  
b7D -2

BT

# Memorandum

~~SECRET~~



To : Mr. O. B. Revell

Date 3/28/83

From : S. Klein

Subject :

Exec AD Adm. \_\_\_\_\_  
Exec AD Inv. \_\_\_\_\_  
Exec AD LES \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Off. Cong. &  
Public Affs. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

PURPOSE: To advise of the results of a meeting at the Department of Justice (DOJ) convened by the Deputy Assistant Attorney General, Criminal Division, Mark Richard, the purpose of which was to advise the participants that the FBI will be attempting to effect contact with [redacted]

b6 -2  
b7C -2  
b7D -2

[redacted] This contact is being pursued as a result of [redacted] with [redacted] concerning the Wilson/Terpil and other FBI investigations. The contact will be made within the framework of law enforcement matters and within the parameters of matters of investigative interest to the FBI. (S)

SYNOPSIS: On 2/25/83 [redacted] (protect identity) [redacted]

b6 -2  
b7C -2  
b7D -2

[redacted] in effort to develop additional information re significant FBI investigative matters. (S)

~~SECRET~~

Classified by S-3  
Declassify on: OADR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

- 1 - [redacted]  
1 - Mr. Otto  
1 - Mr. Revell  
1 - Mr. Gilbert  
1 - [redacted]  
1 - Mr. Klein  
1 - [redacted]  
1 - [redacted]

[redacted] (9)

Background material: 4/6/83, [redacted] - Capital case

Classified by [redacted]  
Declassify on [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

1234

FBI(21-cv-5450)-14974

Original source: Possessor: [redacted] per request by Mr. Revell 7/15/83 FBI/DOJ

~~SECRET~~

Memorandum to Mr. O. B. Revell from S. Klein

Re: [redacted] (S)

b6 -1, -2  
b7C -1, -2  
b7D -2

RECOMMENDATIONS: 1) That contact with [redacted] be continued in order to effect contact between [redacted] at the earliest date possible. (S)

2) That this contact be arranged [redacted] which is mutually acceptable to [redacted] and FBI representatives. (See details) (S)

b3 -2  
b6 -2  
b7C -2  
b7D -2

3) Due to the extreme sensitivity of the contact [redacted] the details of [redacted] which should be on a need-to-know basis. (See details) (S)

4) That the initial contact be effected within the context of establishing a long-term relationship with [redacted]

b3 -2  
b6 -2  
b7C -2  
b7D -2, -3

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. B. Revell from S. Klein  
Re: [redacted] (S)

DETAILS: S. Klein to O. B. Revell memorandum, dated 2/1/83 contained two recommendations concerning contact with [redacted]

b6 -2  
b7C -2  
b7D -2

[redacted] that FBIHQ not pursue any further action at this time to contact [redacted] and that contact be maintained with [redacted] (who has requested that his identity be protected) [redacted] (S)

[redacted] a large number of documents concerning the ongoing Wilson/Terpil investigation and related spinoff cases [redacted]

[redacted] has expressed an interest in speaking with FBI representatives [redacted] indicated that he would be willing to discuss matters concerning Wilson. [redacted]

FBI Supervisor [redacted] (S)

b3 -2  
b6 -1, -2  
b7C -1, -2  
b7D -2

Copies of the documents were furnished to Deputy Assistant Attorney General (DAAG) Mark M. Richard, Criminal Division, DOJ, on March 22, 1983. [redacted]

Richard was advised that these documents [redacted] (S)

After reviewing these documents with key DOJ personnel assigned to the Wilson/Terpil Task Force he convened a meeting on March 23, 1983, the purpose of which was to advise the participants that the FBI will be attempting to effect contact with [redacted] (S)

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. R. Revell from S. Klein  
Re: [redacted]

b6 -2  
b7C -2  
b7D -2

[redacted] This contact is being pursued at the express request of DOJ as a result of [redacted] with [redacted] concerning the Wilson/Terpil and other FBI investigations, and will be made within the framework of law enforcement matters and within the parameters of matters of investigative interest to the FBI. (X)

The following individuals attended the meeting: (X)

- 1) DAAG Mark M. Richard (X)
- 2) [redacted] AUSA, District of Columbia (X)
- 3) Section Chief Stan Klein, FBI
- 4) Supervisor [redacted] FBI (X)
- 5) Unit Chief [redacted] FBI (X)
- 6) [redacted] Deputy Legal Adviser, U. S. Department of State (USDS) (X)
- 7) [redacted] Attorney-Adviser (USDS) (X)
- 8) [redacted] Director, Office of Egyptian Affairs, USDS (X)
- 9) [redacted] Bureau of Intelligence and Research, USDS (X)
- 10) [redacted] (X)
- 11) [redacted] (X)

b6 -1, -4  
b7C -1, -4

Topics discussed at this meeting included the following: (X)

- a) Value and significance of documents related to the Wilson/Terpil Investigation [redacted] (X)
- b) Wilson's relationship to those individuals who [redacted] (X)

b7D -3

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. R. Revell from S. Klein  
Re: [redacted] (S)

b3 -2  
b6 -2  
b7C -2  
b7D -2

c) [redacted]

a) [redacted] (S)

Richard advised all present that the FBI should expeditiously attempt to effect a contact with [redacted] in an effort to pursue all matters previously mentioned which impact on the Bureau's jurisdictional responsibilities. (S)

[redacted] It is noted that at the meeting [redacted] stated that the FBI has "done an outstanding job in obtaining this information", and continued his laudatory comments concerning the FBI's work throughout the meeting. [redacted] concurred with Richard that the FBI should pursue this opportunity to contact [redacted] at any location deemed appropriate. [redacted] requested that [redacted]

b3 -2  
b6 -2, -4  
b7C -2, -4  
b7D -2, -3

[redacted] USDS representatives articulated no objections to the above proposal. Concerning the proposed meeting with [redacted] a suitable location will be selected with the assistance of [redacted] which will be mutually acceptable to all representatives.

[redacted] should be observed on a strict need-to-know basis. [redacted] (S)

~~SECRET~~

FD-36 (Rev. 5-26-82)

FBI

TRANSMIT VIA:  
 Teletype  
 Facsimile  
 Airtel \_\_\_\_\_

PRECEDENCE:  
 Immediate  
 Priority  
 Routine

CLASSIFICATION:  
 TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS  
Date 4/25/83

~~SECRET~~

DIRECTOR, FBI  
(ATTN: CID, [redacted])  
INSPECTION DIVISION (OPR))

AND

SAC, ALEXANDRIA

b3 -1  
b6 -1  
b7C -1  
b7E -1, -8

FRANCES E. TERPIL - FUGITIVE;  
EDWIN PAUL WILSON; *EPA 8/11*  
ET AL.  
RA [redacted] CONSPIRACY;  
SOLICITATION TO COMMIT MURDER  
(OO:AX)  
(AX [redacted] (P)

b3 -1  
b6 -1, -3  
b7C -1, -3  
b7D -2  
b7E -1

(OO:AX)

(AX [redacted] (P)

*FBI-HQ*  
Re Alexandria report of SA [redacted] dated  
11/1/82, and Alexandria airtel and LHM, dated 2/2/83, both  
under second caption above.

Enclosed for the Bureau are the original and four copies  
of an LHM in captioned matters which include interviews of [redacted]  
on 3/15/83, and 3/24/83, during which he provided

3-4239

4-4239

④ Bureau (Enc.)

5-Alexandria (2)

(2)

(1)

(9)

Classified by

Declassify on

INCLOSURE

*file in*

NOT RECORDED

MAY 19 1983

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

Transmitted

(Number) (Time)

Per

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
WHERE SHOWN OTHERWISE

Approved:

~~SECRET~~

57 JUN 8 1983

FBI(21 cv 5450) 149/9

AX [redacted]  
AX [redacted]

~~SECRET~~

information about [redacted]

DOB [redacted]

[redacted] aka [redacted]  
[redacted] SSAN [redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

It is requested that one copy of this airtel and LHM be provided to Office of Professional Responsibility, Inspection Division, FBIHQ, for review.

One copy of LHM being provided to Assistant U. S. Attorney [redacted] Alexandria, Va., and to Assistant U. S. Attorney [redacted] Washington, D. C., who have prosecutive interests in captioned matters.

REQUEST OF THE BUREAU:

b6 -1, -2, -3, -4  
b7C -1, -2, -3, -4

Requested to approve Alexandria Division's contacting SA [redacted] at FBIHQ for interview regarding [redacted]

2\*

~~SECRET~~

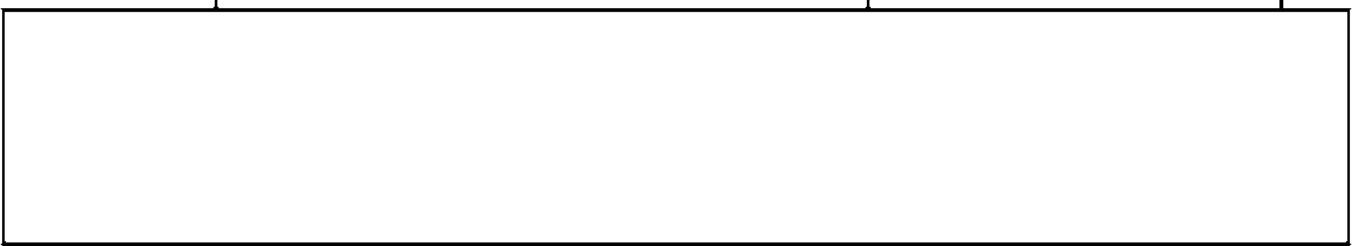


## UNITED STATES DEPARTMENT OF JUSTICE

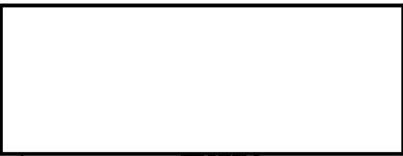
FEDERAL BUREAU OF INVESTIGATION

Alexandria, Virginia  
April 25, 1983In Reply, Please Refer to  
File No.FRANCIS E. TERPIL - FUGITIVE;  
EDWIN PAUL WILSON;  
AND OTHERS;  
CONSPIRACY; SOLICITATION TO COMMIT MURDERb3 -1  
b6 -2  
b7C -2  
b7D -2  
b7E -1

Edwin Paul Wilson is a white male, born May 3, 1928, at Nampa, Idaho, who since late 1982 has been convicted on felony charges at Alexandria, Virginia, and Houston, Texas, relating, respectively, to illegally exporting firearms to Europe and Libya, and illegally exporting over 40,000 pounds of C-4 plastic explosives to Libya. He is awaiting trial in U. S. District Court in New York City, New York, on Federal charges relating to his alleged efforts to have actions initiated to kill two Federal prosecutors and several potential witnesses in Federal custody.

b6 -2  
b7C -2

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALL INFORMATION O  
HEREIN IS UNCLAS  
DATE 5/3/89 BY [Signature]b3 -1  
b6 -1  
b7C -1  
b7E -1

RE: FRANCIS E. TERPIL - FUGITIVE;  
ET AL

[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] is a white male born [redacted]

[redacted]

The following interviews of [redacted]  
were conducted on March 15, 1983, and March 24, 1983:

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/17/83

b5 -1  
 b6 -1, -3, -4  
 b7C -1, -3, -4  
 b7D -2

[redacted] (Protect Identity)  
 was contacted on this date at the office of Assistant United States Attorney (AUSA) [redacted] at the United States Attorney's Office, 3rd and Constitution Avenues, Northwest, Washington, D.C., where he was advised at the outset of the official identity of the contacting Special Agent. AUSA [redacted] was present at the beginning of the interview and was "in and out" during the course of the interview. Just prior to the contact with [redacted] on this date, AUSA [redacted] provided Special Agent (SA) [redacted]

[redacted]

Thereafter, [redacted] CONFIDENTIALLY provided the following information, requesting that [redacted]

[redacted]

b5 -1  
 b6 -3  
 b7C -3  
 b7D -2

Background Information:

about his [redacted] provided the following information

b3 -1  
 b6 -1, -2 investigation on 3/15/83 at Washington, D.C.  
 b7C -1, -2  
 b7E -1

Alexandria [redacted]

File #

by

SA [redacted]

Date dictated 3/16/83

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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/11/83

b6 -3

b7C -3

b7D -2

[REDACTED] (PROTECT IDENTITY) was interviewed at the Alexandria Division of the Federal Bureau of Investigation, fifth floor conference room, on the afternoon of this date. He is aware of the official identity of the interviewing Special Agents from prior contact with each. On this occasion, he CONFIDENTIALLY provided the following information:

[REDACTED]

[REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -1 Investigation on 3/24/83 at Alexandria, Virginia File # Alexandria  
 b6 -1, -2  
 b7C -1, -2 SA [REDACTED]  
 b7E -1 by SA [REDACTED] Date dictated 3/25/83

20

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FBI(21 cv 5450) 15000

AX  
AX  
AX

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

2

b6 -2, -3  
b7C -2, -3  
b7D -2

said in connection with the above matters.

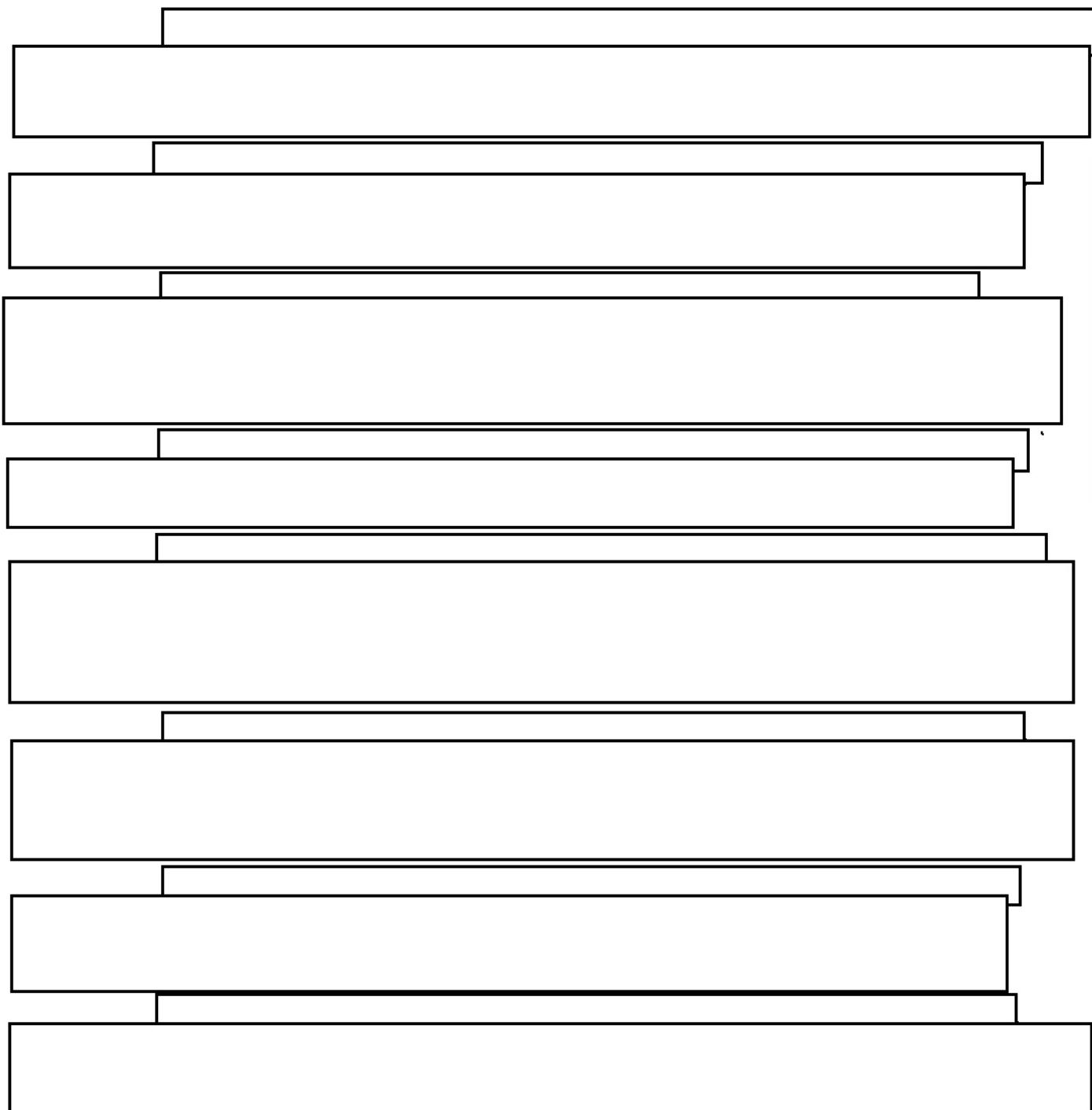
b6 -2, -3  
b7C -2, -3  
b7D -2

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

AX  
AX  
AX

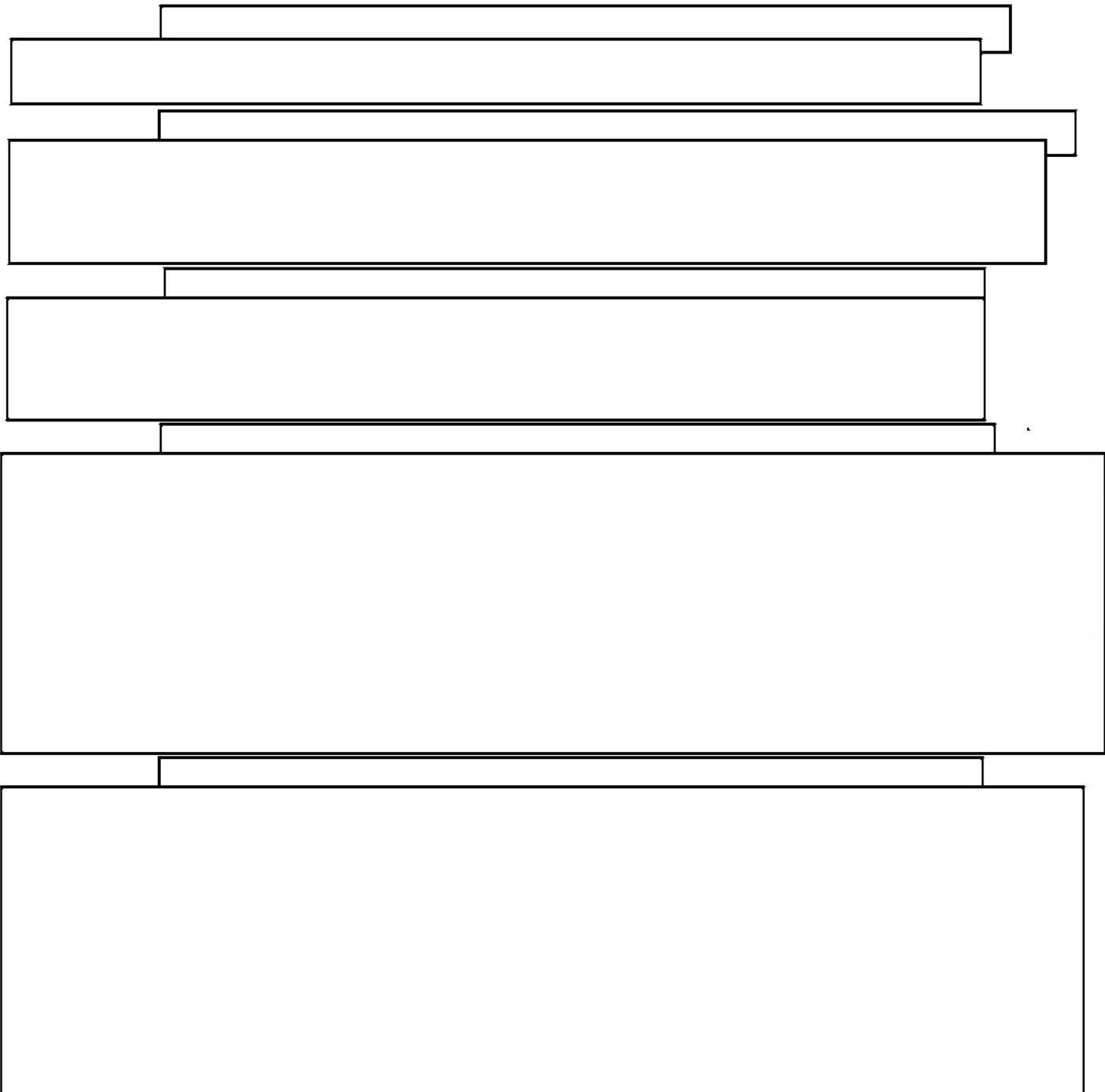
3

b6 -2, -3  
b7C -2, -3  
b7D -2



AX [redacted]  
AX [redacted]  
AX [redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1



b6 -2, -3  
b7C -2, -3  
b7D -2

AX  
AX  
AX

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

5

[REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED]  
b6 -1, -3  
b7C -1, -3  
b7D -2

said he was contacted by FBI employee

at FBI Headquarters

AX  
AX  
AX

6

b3 -1  
b6 -1, -3  
b7C -1, -3  
b7D -2  
b7E -1

[REDACTED]  
FBI Headquarters in this regard.

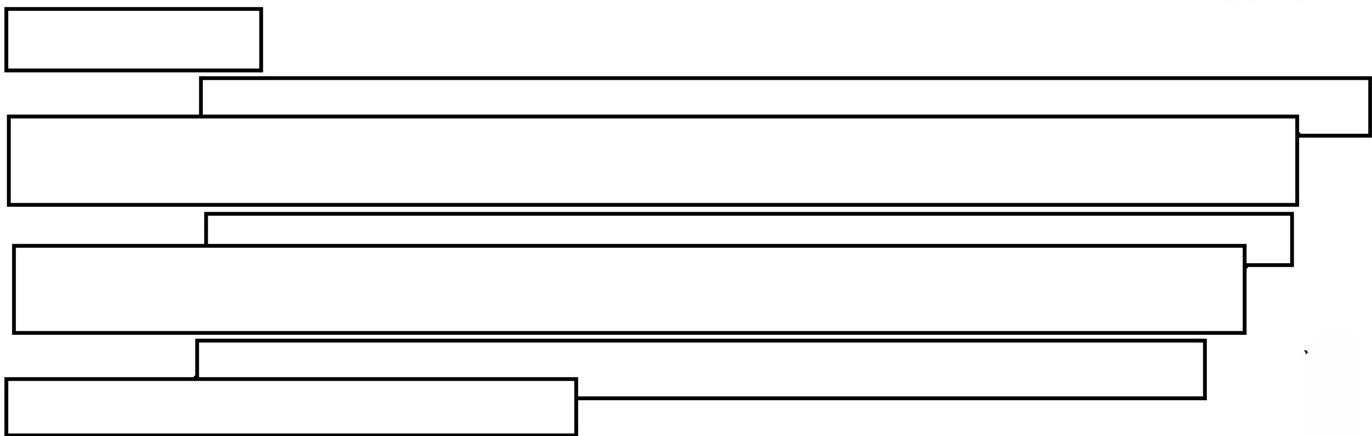
b6 -2, -3  
b7C -2, -3  
b7D -2

b6 -2, -3  
b7C -2, -3  
b7D -2

AX  
AX  
AX

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

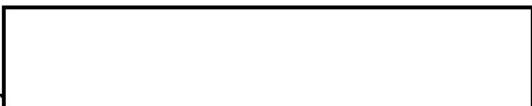
7



(Other information was obtained from [redacted] on other subjects during this interview and this information will be the subject of separate FD-302's prepared by SA [redacted] and SA [redacted])

b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -2

RE: FRANCIS E. TERPIL - FUGITIVE;  
ET AL



b6 -2  
b7C -2  
b7D -2

Investigation is continuing in captioned matters.

~~SECRET~~

April 18, 1983

Mr. Otto:

Re: [redacted] Turpil

[redacted]  
By routing slip dated 3/29/83, you forwarded a memorandum from Mr. Klein to Mr. Revell captioned as above and dated 3/28/83, and requested that Legal Counsel Division (LCD) [redacted]

b3 -1  
b5 -3  
b6 -1, -2  
b7C -1, -2  
b7E -1

[redacted] (U) [redacted]

LCD [redacted]

[redacted] Specifically, LCD [redacted] the Wilson/Turpil case and related spinoff criminal investigations. [redacted]

b3 -2  
b5 -3  
b6 -1, -2, -4  
b7C -1, -2, -4  
b7E -6

As stated in the memorandum, the FBI will be attempting to effect contact with [redacted] as a result of a specific request made by Deputy Assistant Attorney General (DAAG) Mark Richard, Criminal Division, Department of Justice (DOJ), at a meeting at DOJ on 3/23/83. At this meeting [redacted]

[redacted] Additionally, LCD understands that [redacted] Deputy Legal Advisor, United States Department of State (USDS), who also attended the aforementioned meeting, has informed

1 - [redacted]  
1 - Mr. Revell  
1 - Mr. S. Klein  
1 - [redacted]  
1 - [redacted]

43

DE-136

1234

7 MAY 13 1983

b3 -1  
b6 -1  
b7C -1  
b7E -1

~~SECRET~~

Classified: 05  
Declassify On: OADR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

6-  
15089  
Classified by [redacted]  
Declassify on [redacted]

FBI(21 cv 5450) 15008

~~SECRET~~

DAAG Richard that the USDS [redacted]

[redacted] (This information is set forth in a memorandum from Assistant Director Revell to DAAG Richard dated 3/30/83). (X)

b5 -3  
b6 -2  
b7C -2

In light of the above LCD [redacted]

[redacted] Title 28, United States Code (USC), section 533, which provides in part that: (X)

The Attorney General may appoint officials -

(1) to detect and prosecute crimes against the United States;

\* \* \*

(3) to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General. (X)

LCD [redacted]

b5 -3  
b6 -2  
b7C -2

~~SECRET~~

BY [REDACTED] ... OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
INTERNAL REVIEW/G/ACTION SLIP

NAME/TITLE	SECRET	TL#	RD	TITLE
ktor (cc:)	0	245	74	
235 7142 Exec.Ass't Dir.-adm.		245	74	b6 -1
235 7116 Exec.Ass't Dir.-Inv.		245	74	b7C -1
235 7110 Exec. Ass't Dir.-Law Enf. Serv.	41	230	5448	Civil Disc. Review Unit I
341 11255 Identification Division		243	5442	Civil Disc. Review Unit II
Quantico Training Division		213	7338	Civil Litigation Unit I
234 6012 Administrative Services Div.		213	7338	Civil Litigation Unit II
211 5829 Records Management Division				
232 4026 Intelligence Division				
233 5012 Criminal Investigative Div.				
241 3090 L				
212 7159 T	Vision	152	1B327	Mail Room
245 7427 L	n	244	6248	Reading Room
213 7125 I				Mr.
235 7116 O	Affairs			MS.
		232	4843	INTD - Special Staff
		150	1062	Warehouse Unit

Classified by  
Date Declassify

LCA

USA, DOJ + FBI.

b3 - 2

b5 - 3

b6 - 1

b7C - 1

b7D - 3

b7E - 6

J. C. O'LEARY

Call Me       For Your Info.  
 Send Me       Record & Return  
**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHICH IS UNCLASSIFIED BY [REDACTED]**  
 Initial Classification  
 Per Inquiry       See Reverse Side

FROM



SECRET

Room      TL#      Phone      Date

12/18/18

FBI/DOJ

~~RECEIVED~~  
RECEIVED

APR 20 11 30 AM '83

U.S.  
ICE

EXEC. A. D.

FBI

APR 22 11 43 AM '83

U. S. DEPARTMENT OF JUSTICE



b6 -1  
b7c -1

~~RECORDED~~

FBI(21 cv 5450) 15011

AIRTEL

~~SECRET~~

May 31, 1983

Director, FBI

SACs, Albuquerque  
Alexandria  
Denver

WHITE COLLAR CRIME ASPECTS  
OF WILSON/TERPIL INVESTIGATIONS;  
BRIbery-COI, FCPA  
OO: ALEXANDRIA

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SPECIFICALLY  
NOTED OTHERWISE~~

FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWIN PAUL WILSON; ET AL;  
RA [redacted] CONSPIRACY, SOLICITATION  
TO COMMIT MURDER;  
OO: ALEXANDRIA

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

[redacted] aka;  
ITAR-EXTORTION, CONSPIRACY  
OO: DENVER

slated  
Classified by [redacted]  
Declassify on [redacted]

ORIGINALLY FILED IN [redacted]

Re Bureau airtel with enclosures captioned as above, dated  
March 25, 1983. (X) u

Referenced airtel along with all enclosures should be  
classified "SECRET" in their entirety in order [to protect foreign  
sources and methods.] (X) u (S)

Recipient offices are requested to properly classify the  
above referenced documents. (X) u

~~SECRET~~  
Classified by G-3  
Declassify on: OADR

b3 -1  
b6 -1  
b7C -1  
b7E -1

[redacted] (16)

JUN 6 1983

1 - Mr. Klein  
1 - [redacted]  
1 -  
1 -  
1 -  
1 -  
1 -  
1 -

DUPPLICATE YELLOW

54J

FBI(21 cv 5450) 15012

~~SECRET~~

NOTE: This airtel instructs recipient offices to properly classify  
[redacted]

b7D -2

Classification required in order to protect foreign sources and  
methods. (S) [redacted] ~~(S)~~

~~SECRET~~

PG HQ

DE 'AX

P 0171618Z MAY 83

FM ALEXANDRIA (P)

**DIRECTOR PRIORITY**

EAS

ATTN: CID.

~~SECRET~~

FD  
UNIT  
17 MAY 83 18 132

FEDERAL BUREAU  
OF INVESTIGATION

b3 -1  
b6 -1  
b7C -1  
b7E -1

ATTN: CID, [REDACTED] (OO:AX) H

FRANCIS E. TERPIL - FUGITIVE ; EDWIN PAUL WILSON; ET AL; RA - [redacted]  
CONSPIRACY, SOLICITATION TO COMMIT MURDER (OO:AX) b3 -1  
RE BUTEL TO ALEXANDRIA DATED MAY 12, 1983. b6 -1, -2  
b7C -1, -2 b7E -1

ON MAY 12, 1983, SA [REDACTED] FBIHQ, WAS INTERVIEWED.  
THE FOLLOWING SETS FORTH A SUMMARY OF THAT INTERVIEW:

THE FOLLOWING SETS FORTH A SUMMARY OF THAT INTERVIEW:

ADVISED HE FIRST MET

## INTRODUCED TO

WAS

**ANSWER**

~~NON PUBLISHED, EXCEPT  
BY THE GOVERNMENT OF CANADA.~~

5010-9  
Declassify or  
Controlled by

b3 -1  
b6 -1  
b7C -1  
b7E -1

NOT RECORDED  
44 JUN 15 1983

~~SECRET~~

FBI(21-cv-5450)-15014

O AX

UNCLAS

~~SECRET~~

DOES NOT KNOW

HAD BEEN IN CONTACT WITH

SINCE HE FIRST

MET HIM. THE LAST TIME HE SAW

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

[REDACTED] ADVISED THAT MOST OF HIS CONTACTS WITH [REDACTED] WERE USUALLY SOCIAL, [REDACTED] HE CANNOT RECALL [REDACTED]

[REDACTED] STATED HIS CONTACTS WITH THE PROPERTY DISPOSAL OFFICE (PDO) AT FT. BELVOIR WERE MAINLY TO GET EQUIPMENT FROM THEM.

[REDACTED] WAS AWARE THAT [REDACTED] KNEW [REDACTED] BUT DOES NOT KNOW [REDACTED] b6 -1, -2  
[REDACTED] CANNOT REMEMBER IF [REDACTED] WAS EVER [REDACTED] b7C -1, -2

b6 -1  
b7C -1

~~SECRET~~

~~SECRET~~

PAGE THREE AX [REDACTED] UNCLAS

AT HIS OFFICE OR IF HE EVER SAW HIM AT THE PDO.

[REDACTED] ADVISED HE HAS NEVER MET EDWIN PAUL WILSON; HOWEVER, [REDACTED]

[REDACTED] WAS TOLD EITHER BY [REDACTED] OR [REDACTED] THAT THEY KNEW  
SOMEONE IN [REDACTED] AND THAT THIS PERSON AND [REDACTED]

[REDACTED] THIS PERSON HAD [REDACTED]

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

[REDACTED] WAS TOLD THIS INDIVIDUAL WAS

[REDACTED] HE LATER LEARNED THAT THIS INDIVIDUAL

WAS WILSON. [REDACTED] AND

THOUGHT NOTHING ABOUT [REDACTED]

EITHER [REDACTED] OR [REDACTED] ASKED [REDACTED] IF HE COULD DELIVER

SOME FURNITURE [REDACTED]

[REDACTED] THE DELIVERY WAS

b6 -1, -2  
b7C -1, -2

MADE DURING THE WEEK ON A NORMAL WORK DAY. [REDACTED]

[REDACTED] RECALLS HE WENT

TO THE PDO AND THAT [REDACTED] LOADED THE TRUCK WITH A COUPLE OF  
DRESSERS AND A CHEST OF DRAWERS, AS WELL AS OTHER FURNITURE.

[REDACTED] CANNOT RECALL EXACTLY WHAT WAS TAKEN; HOWEVER, THE FLOOR  
SPACE OF THE TRUCK WAS COVERED, BUT THE FURNITURE WAS NOT STACKED.

~~SECRET~~

PAGE FOUR AX [REDACTED]

UNCLAS

EITHER [REDACTED] OR [REDACTED] GAVE HIM DIRECTIONS ON HOW TO FIND THE [REDACTED]  
AND TOLD HIM JUST TO TELL WHOEVER WAS THERE WHO HE WAS AND THAT HE  
WAS EXPECTED. [REDACTED] STATED WHEN HE ARRIVED AT THE [REDACTED] HE MET AN  
INDIVIDUAL NAMED [REDACTED] AND THAT [REDACTED] LAST NAME WAS POSSIBLY  
[REDACTED] WAS THE ONLY PERSON [REDACTED] HAD CONTACT WITH AND  
ASSISTED HIM IN UNLOADING THE FURNITURE [REDACTED]

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

[REDACTED] DOES NOT RECALL IF THERE WAS OTHER FURNITURE IN THE [REDACTED]  
[REDACTED] STATED THAT THE FURNITURE HE DELIVERED WAS USABLE, BUT WAS  
CONSIDERABLY BANGED UP. [REDACTED] TOLD [REDACTED] THE FURNITURE WAS GOING  
TO BE USED [REDACTED] SIGNED NO RECEIPT FOR  
THE FURNITURE AND [REDACTED] WAS NOT PAID BY ANYONE FOR DELIVERING IT.

[REDACTED] BELIEVED THIS WAS IN FURTHERANCE OF [REDACTED]

[REDACTED] STATED THE TRIP TO THE [REDACTED] WAS  
NOT A SECRET [REDACTED] AND MOST EMPLOYEES KNEW WHERE HE WAS GOING.

[REDACTED] HE DID NOT THINK IT OUT OF THE ORDINARY TO GET b6 -1, -2  
FURNITURE [REDACTED] b7C -1, -2  
AT THE SAME TIME, HE DID NOT THINK IT  
WRONG AT THE TIME FOR HIM TO BE ASKED TO DELIVER THE FURNITURE.

[REDACTED] KNEW THAT THE PDO DID NOT HAVE TRUCKS NOR DID THE AMC. [REDACTED]

[REDACTED] HE THOUGHT IT NOT

~~SECRET~~

PAGE FIVE AX [REDACTED] UNCLAS

UNUSUAL TO BE REQUESTED TO MAKE THE DELIVERY IN THAT [REDACTED] HAD A LARGE TRUCK. AT NO TIME DID [REDACTED] SEE ANY PAPERWORK OR REQUISITIONS FOR THE FURNITURE AND SIGNED NO FORMS WHEN PICKING UP THE FURNITURE.

UNDER SIMILAR CIRCUMSTANCES, EITHER A FEW WEEKS OR MONTHS BEFORE HIS TRIP TO [REDACTED] EITHER [REDACTED] OR [REDACTED] WANTED SOME BUNK BED FRAMES TAKEN TO A HOUSE IN [REDACTED] HE WAS TOLD THIS FURNITURE WAS FOR [REDACTED]

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

[REDACTED] NAME UNRECALLED, AND WENT TO THE PDO TO PICK UP THE BUNK BED FRAMES.

[REDACTED] LOADED THE TRUCK AND THERE WAS NO PAPERWORK SIGNED OR OBSERVED BY [REDACTED] DOES NOT RECALL THE NAME OF THE INDIVIDUAL TO WHOM HE DELIVERED THE FURNITURE, BUT BELIEVES THIS PERSON HAD WORKED WITH [REDACTED] BEFORE. [REDACTED] DOES NOT THINK WILSON'S NAME HAD COME UP AT THIS POINT. AFTER DELIVERING THE FURNITURE, THE PERSON WANTED TO REIMBURSE [REDACTED] FOR HIS EXPENSES, BUT [REDACTED] DECLINED.

b6 -1, -2  
b7C -1, -2

[REDACTED] STATED THAT THESE ARE THE ONLY TWO TIMES THAT HE TOOK ANY EQUIPMENT FROM THE PDO EXCEPT FOR THE EQUIPMENT HE TOOK TO USE [REDACTED] HE STATED HE NEVER TOOK ANYTHING FOR ANYONE

~~SECRET~~

PAGE SIX AX [REDACTED] UNCLAS

~~SECRET~~

ELSE AND DOES NOT KNOW IF [REDACTED] EVER DID. [REDACTED] STATED HE NEVER RECEIVED ANY FUNDS FROM [REDACTED]. NEVER ASKED [REDACTED] TO DO ANYTHING THAT [REDACTED] THOUGHT TO BE ILLEGAL OR IRREGULAR. [REDACTED] STATED HE HAS NOT HAD ANY CONTACT WITH [REDACTED] OR [REDACTED] SINCE JOINING THE FBI.

[REDACTED] STATED HE REQUESTED [REDACTED] TO HELP HIM GET INTO THE FBI, BUT WITHIN A DAY CHANGED HIS MIND AND TOLD [REDACTED] TO FORGET IT AS HE WANTED TO GET THE JOB ON HIS OWN.

LHM WILL FOLLOW.

BT

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

b6 -1, -2  
b7C -1, -2

~~SECRET~~

# Memorandum

1  
1  
1

Exec AD Adm. \_\_\_\_\_  
Exec AD Inv. \_\_\_\_\_  
Exec AD LES \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crizt. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Off. Cong. & Public Affs. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
b3 -1 Servs. \_\_\_\_\_  
b6 -1, -2-  
b7C -1, -2-  
b7E -1

To [redacted]

Date 5/23/83

From [redacted]

Subject : FRANCES EDWARD TERPIL - FUGITIVE;

EDWIN PAUL WILSON: [redacted]

JEROME S. BROWER

RA [redacted]

CONSPIRACY; PERJURY; SOLICITATION AND  
CONSPIRACY TO COMMIT MURDER

OO: ALEXANDRIA

PURPOSE: To document the location of technical material regarding bomb construction provided to the FBI in captioned matter by the Department of Defense.

b6 -1  
b7C -1

RECOMMENDATION: None. For record keeping purposes only.

APPROVED: [redacted] Adm. Servs. \_\_\_\_\_ Laborat.  
[redacted] Crim. Inv. \_\_\_\_\_ Legal Coun. \_\_\_\_\_  
[redacted] Off. of CIO \_\_\_\_\_ Off. of CIO & Public  
[redacted] Ident. \_\_\_\_\_ Adm. Mgmt. \_\_\_\_\_  
[redacted] AD-Adm. \_\_\_\_\_ Inspection \_\_\_\_\_ Tech. Devs. \_\_\_\_\_  
[redacted] AD-Inv. \_\_\_\_\_ Intell. \_\_\_\_\_ Trng. \_\_\_\_\_  
[redacted] Exec. AD-LES \_\_\_\_\_

b3 -1  
b6 -1  
b7C -1  
b7E -1

DETAILS: Recently an employee of the Records Management Division (RMD) contacted SA [redacted] Unit Chief, Explosives Unit, Laboratory Division regarding technical material concerning bomb construction furnished to the FBI by the Department of Defense. This employee advised that the cover letter originally with the technical material had been lost and that the RMD requested assistance in determining [redacted] to file the technical material.

A review of the technical material by SA [redacted] determined it should be maintained in the Explosives Unit, Room 3918 JEH building. SA [redacted] advised that in view of the fact that the cover letter was lost he would document the location of the technical material by memorandum.

1 - Mr. [redacted] (Attention: [redacted])

*Note: material described in instant memo pertain to cover letter by RMD*

b3 -1  
b6 -1  
b7C -1  
b7E -1

JUN 3 1983

FBI(21-cv-5450)-15020

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 5/4/89 BY [redacted]

CDN S14

VIA TELETYPE

(RESTRICTED USE)

b3 -1  
b6 -1  
b7C -1  
b7E -1

PRECEDENCE:  IMMEDIATE  PRIORITY  ROUTINE

DIRECTOR, FBI

FBI Alexandria

1

- |   |  |
|---|--|
| <input type="checkbox"/> White House/WH/                          | <input type="checkbox"/> Director National Security Agency/NSA/              |
| <input type="checkbox"/> Bureau of Alcohol Tobacco Firearms/BATF/ | <input type="checkbox"/> Director Naval Investigative Service/DIRNAV/INSERV/ |
| <input type="checkbox"/> Central Intelligence Agency/CIA/         | <input type="checkbox"/> Drug Enforcement Admin./DEA/                        |
| <input type="checkbox"/> CIA DCD/DCD/                             | <input type="checkbox"/> FAA Washington HQ/FAA/                              |
| <input type="checkbox"/> Dept. of Energy HQS/DOEHQ/               | <input type="checkbox"/> HQ AFOSI Bolling AFBDC/AFOSI/                       |
| <input type="checkbox"/> Dept. of Energy Germantown DIV/DOE/      | <input type="checkbox"/> INSCOM Ft. Meade/INSCOM/                            |
| <input type="checkbox"/> Dept. of Justice/DOJ/                    | <input type="checkbox"/> Nuclear Regulatory Commission/NRC/                  |
| <input type="checkbox"/> Dept. of State/DOS/                      | <input type="checkbox"/> U S. Customs Service/UCS/                           |
| <input type="checkbox"/> Dept. of the Army/DA/                    | <input type="checkbox"/> U.S. Immigration & Naturalization Service/INS/      |
| <input type="checkbox"/> Dept. of Treasury/DOT/                   | <input type="checkbox"/> U.S. Secret Service/USSS/                           |
| <input type="checkbox"/> Defense Intelligence Agency/DIA/         | <input type="checkbox"/> Other: _____  |

BT

#### **Classification:**

**Addressee Internal Distribution**

For:

**Subject:**

-b3 -1

b6 -1

-b7C -1

b7E -1

12 MAY 17 1983

See

Approve

Tele Ext.

Room/Div.:

2805

3027-6

Digitized by srujanika@gmail.com

**DO NOT FILE WITHOUT COMMUNICATIONS STAMP**

FBI(21-cv-5450)-15021

## USE AND PREPARATION OF FORM 0-73

### Restrictions on Use

1. Only incoming teletype messages within the categories listed in MIOG Section 16-1.7 pages 1251 & 1252 may be prepared using form 0-73.
2. Use of Form 0-73 is restricted to incoming teletype messages received at FBIHQ Communications Center within the last 72 hours.
3. Addressees must be Bureau Offices (LEGAT/Field) or other Government Agencies. **Geographical location must be indicated if other Government Agency is located outside the Washington, D.C. area.**
4. Editing of message text is restricted to typed or printed changes of a word or two. Changes to the existing text involving more than a word or two will require the originator to initiate a new message using Form 0-93. Administrative data may be added immediately following the text and must be identical for all addressees.
5. Teletype messages received by the Communications Center that do not meet the above criteria shall be returned to the originator for preparation using Form 0-93.

### Preparation of 0-73 Form (Yellow)

1. **Date & Precedence** - Type or print date and indicate precedence by checking the appropriate box.  
*REF ID: A34567*
2. **Addressee(s)** - Type or print addressee(s) immediately following the "TO:" or place a check mark in the appropriate box. Note: When using block "Other," indicate geographical location if addressee(s) is located outside Washington, D.C. If addressee(s) is a military installation, the name of the base, fort, or station must be listed to ensure delivery.
3. **Classification** - Type or print the classification and if appropriate the caveat and warning notices.
4. **Addressee Internal Distribution** - Complete when the originator wishes the message to be distributed to a known entity within a Headquarters Agency (i.e. Division, Section, Unit, etc.). List the addressee(s) abbreviation and the internal distribution, i.e. a message to Dept. of State, Dept. of Justice, and Defense Intelligence Agency; list on the "For" line(s) as follows:  
**Example:** For: DOS For SY/TAG; DOJ for Asst. AG Criminal Div.; DIA For DSOP.  
Messages which do not list internal distribution shall be delivered to the agency headquarters where their analyst will effect in-house distribution.
5. **Subject** - Type or print the subject in the space provided or check "see attached" if subject is identical to attached message.
6. **Originator's Boxes** - Type or print the originator's name, telephone extension, room number, and division.
7. **Approved By Box** - Indicate approval for transmission by initialing the approved by box. Note: The person approving the message is solely responsible for assuring all necessary editing changes are accurate and are legible.

### Preparation of Message To Be Transmitted

1. **Duplicate Copy & Notations** - Xerox 1 copy of the incoming teletype message. A notation shall be made on the original incoming teletype indicating one copy made for relay to SACS \_\_\_\_\_, (or LEGATS) \_\_\_\_\_, (or Government Agencies) \_\_\_\_\_.
2. **Editing of Duplicate Copy (Heading)** - Using a lead pencil ONLY draw single lines through the first and last lines of the message heading; connect these lines from top right to bottom left forming a "Z" figure. **(Do Not Obliterate the Heading)**
3. **Editing Changes to the Text** - (See Restrictions on Use, item 4)
4. **Administrative Data** - Type or print administrative data immediately following the text.

RECEIVED  
TELE

12 MAY 83 [redacted] 10Z

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

P 121325Z MAY 83

FM [redacted]

TO DIRECTOR FBI [redacted] PRIORITY 514-12

BT

~~SECRET~~

ATTENTION: SSA [redacted] TERRORISM SECTION, CID

FRANCIS E. TERPIL - FUGITIVE; ET AL.; RA [redacted] CONSPIRACY; SOLICI-

TATION TO COMMIT MURDER(S). OO: ALEXA

~~By teletype dictated 5-18-83~~

~~furnished to~~

TELETYPE CLASSIFIED "SECRET" IN ITS ENTIRETY.

[redacted] APRIL 26, 1983.

REFERENCED COMMUNICATION INDICATED [redacted]

[redacted] MAY HAVE INFORMATION REGARDING

TERPIL'S WHEREABOUTS.

b3 -1, -2  
b6 -1, -2  
b7C -1, -2  
b7E -1

IT IS REQUESTED [redacted] BE ADVISED WHAT ACTION, IF ANY,

SHOULD BE TAKEN ON THIS INFORMATION.

~~FBI HQ RELAY ABOVE TO ALEXANDRIA CAXFILE.~~ [redacted]

~~CLASSIFIED BY G-3: DECL: QADR.~~

BT

b6 -1  
b7C -1

OMB  
AX  
5-18-83

-2-

FBI(21 cv 5450) 15023

**FEDERAL BUREAU OF INVESTIGATION**

March 15, 1983

Date of transcription \_\_\_\_\_

b6 -1, -2  
b7C -1, -2  
b7D -2

On March 11, 1983, [REDACTED] (protect per express promise of confidentiality) voluntarily appeared at the Federal Bureau of Investigation Headquarters Building, Washington, D.C., and provided Special Agent [REDACTED] with the following [REDACTED] documents: (S)

b7D -2

b6 -2  
b7C -2  
b7D -2

~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.~~

Classified by  
Declassify on  
Pubfile  
AVfile

Investigation on March 11, 1983 at Washington, D.C.

—File

b3 -1  
b6 -1  
b7C -1  
b7E -1

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

ANSWER

FBI(21-cv-5450)-15024

~~SECRET~~

b6 -2  
b7C -2  
b7D -2

b7D -2

b7D -2

b6 -1  
b7C -1

SA [redacted] initialed and dated each page.

~~SECRET~~

Airtel

~~SECRET~~

4/13/83

Director, FBI [redacted]

SAC, Alexandria [redacted]

FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWIN PAUL WILSON ET AL.;  
RA [redacted] CONSPIRACY, SOLICITATION TO  
COMMIT MURDER  
OO: ALEXANDRIA

b3 -1  
b6 -1  
b7C -1  
b7E -1

This communication is classified ~~SECRET~~ in its entirety.

Re Bureau airtel to Alexandria, dated 3/25/83.

b6 -1  
b7C -1  
b7D -2

Enclosed for Alexandria is the original and two copies of  
a FD-302 prepared by SSA [redacted] Terrorism Section,  
[redacted] (protect  
[redacted] over express promise of confidentiality) on 3/11/83. To protect  
[redacted] identity his name is shown only on the original FD-302.)  
[redacted]

MAILED 16  
APR 13 1983  
SBI  
Enclosure [redacted]

2 LI.

1  
1  
Exec AD Adm. 1  
Exec AD Inv. 1  
Exec AD LES  
Asst. Dir.  
Adm. Servs.  
Crim. Inv.  
Ident.  
Insp.  
Intell.  
Lab.  
Legal Coun.  
Off. Cong. &  
Public Affs.  
Rec. Mgmt.  
Tech. Servs.  
Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

NOTE: On 3/29/83, the original documents [redacted] were submitted to the Identification and Laboratory Divisions for appropriate handwriting and latent fingerprint examinations. (X)

b3 -1  
b6 -1  
b7C -1  
b7E -1

b7D -2

~~SECRET~~  
Classified by CDR  
Declassify on: CADR

b3 -1  
b6 -1  
b7C -1  
b7E -1

5 APR 10 1983

5/4/89  
Classified by [redacted]  
Declassify on: CADR

b6 -1  
b7C -1

FBI

## TRANSMIT VIA:

- Teletype  
 Facsimile  
 AIRTEL

## PRECEDENCE:

- Immediate  
 Priority  
 Routine

## CLASSIFICATION:

- TOP SECRET  
 SECRET  
 CONFIDENTIAL  
 UNCLAS E F T O  
 UNCLAS

Date 5/10/83

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK [redacted]

SUBJECT: FRANCIS E. TERPIL-FUGITIVE;  
ET AL  
 REGISTRATION ACT [redacted]  
 (OO: AX)

b3 -1  
 b6 -1  
 b7C -1  
 b7E -1

ReButel to New York and Alexandria dated 5/2/83.

Enclosed for the Bureau is the original and five copies of an LHM and enclosed for Alexandria two copies of same.

In referenced communication FBIHQ requested information regarding [redacted] Attached LHM reflects all information requested in a form suitable for dissemination.

b3 -1  
 b6 -1, -2  
 b7C -1, -2  
 b7E -1

Q 1cc 4231  
 2 Bureau (RM)/En  
 2 - Alexandria [redacted] (RM) (Encls. 2)  
 1 - New York [redacted]

(5)

SA [redacted] AX requested  
 to disseminate copy of [redacted]  
 to U.S. Marshal's Service.  
 5/16/83

ALL INFORMATION  
 HEREIN IS UNCLAS  
 DATE 5/16/83

MAY 12 1983

b3 -1  
 b6 -1  
 b7C -1  
 b7E -1

Approved: [redacted]

Transmitted \_\_\_\_\_  
 (Number) (Time)

Per FBI(21 cv 5450) 15029



U.S. Department of Justice

Federal Bureau of Investigation  
New York, New York

In Reply, Please Refer to  
File No.

May 10, 1983

Francis E. Terpil - Fugitive  
Et Al  
Registration Act - [redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

For information, on May 2, 1983 [redacted] was contacted  
and advised New York (NY) Federal Bureau of Investigation (FBI) that [redacted]  
[redacted]

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation (FBI). It is the property of the FBI and is loaned to your agency; it and its contents are not to be disseminated outside your agency.

ALL INFORMATION O  
HEREIN IS UNCLAS  
DATE 5/16/89 BY [redacted]

1238  
b3 -1  
b6 -1  
b7C -1  
b7E -1

FBI(21-cv-5450)-15030  
FBI/DOJ

ENCLOSURE

A  
PDEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

PAGE 1 OF 1

DATE

5/20/83

CLASSIFICATION

UNCLASSIFIED

PRECEDENCE

ROUTINE

\*\*\*\*\*FD960RR S\*AX0DE HQ 40096 940400R 201928Z MAY 83

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

FM DIRECTOR FBI [REDACTED]

TO [REDACTED]

ROUTINE

FBI ALEXANDRIA [REDACTED]

ROUTINE

BT

UNCLAS

12 FRANCIS E. TERPIL - FUGITIVE (C3) ET AL; RA - [REDACTED] CONSPIRACY;

SOLICITATION TO COMMIT MURDER; OO: AX.

b3 -1, -2  
b6 -1, -2  
b7C -1, -2  
b7E -1

10 [REDACTED] 5/12/83.

[REDACTED] IS REQUESTED TO ARRANGE FOR INTERVIEW OF

8 [REDACTED] FOR ANY INFORMATION HE MAY HAVE REGARDING TERPIL' [REDACTED]

WHEREABOUTS.

BT

1

4

2

3

5

1

1

DO NOT FILE MESSAGE FOLLOW THIS LINE

APM

DATE

5/20/83

ROOM

EDLU/6

TELE EXT

4245

=1239

b3 -1  
b6 -1  
b7C -1  
b7E -1

16 MAY 24 1983

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
0570
MAY 21 1983

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 5/14/09 BY [REDACTED]

FBI(21-cv-5450)-15031

# Memorandum



Subject

Date

MAY 3 1983

FEDERAL GOVERNMENT

U.S. v. Bloom & Thresher, S.D. Tex.,  
H-82-139To Special Agent [redacted]  
Federal Bureau of Investigation  
Terrorism Unit[redacted] General Litigation and  
Legal Advice Section  
Criminal Divisionb6 -1, -4  
b7C -1, -4

Fin... 1 Trop

This is to confirm our conversation of May 2, 1983.  
concerning [redacted]

b5 -3

[redacted] in the trial of the above-  
captioned case.

Please relinquish custody of the exhibit to ATF Agent [redacted] who will transport the exhibit to Houston.  
we expect jury selection to commence on May 9. Hopefully, we will begin presentation of evidence on May 11.

b6 -1, -2, -4  
b7C -1, -2, -4  
b5 -3

[redacted]

[redacted]

Thank you for your assistance in this [redacted]

7 MAY 26 1983

b3 -1  
b6 -1  
b7C -1  
b7E -1

66 JUN 13 1983

fin in [redacted]

D-36 (Rev. 5-22-64)

~~CONFIDENTIAL~~

F B I

Date: 4/27/83

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via **AIRTEL** \_\_\_\_\_  
(Priority)

TO: Director, FBI

Attention: SSA [ ] Terrorism Section  
Criminal Investigative Division

b3 -1, -2  
b6 -1  
b7C -1  
b7E -1

FROM: [ ] (P)

SUBJECT: FRANCIS E. TERPIL - FUGITIVE, et al  
RA [ ] CONSPIRACY

OO:AX

**FUGITIVE INDEX**

b3 -2  
b6 -1, -3  
b7C -1, -3  
b7D -2

All information contained herein is classified  
~~"CONFIDENTIAL."~~

Attached for both FBIHQ and Alexandria are five copies  
each of two separate FD-302s which reflect interview at [ ]

Also attached is the Grand Jury Subpoena which is  
designated for Alexandria. [ ]  
similarly only designated for Alexandria. [ ]  
submitted to both Alexandria and FBIHQ.

Attached for FBIHQ and Alexandria are photocopies of the  
page of publication "Facts on File, 1978" which reflects the death  
of Bruce Roy McKenzie. **X-33** DEG [ ] **1242**

Interview log, original notes, carbon copies of FD-302s and  
envelope in which [ ]  
being maintained in appropriate 1A envelopes in [ ]

5 - Bureau (Enclosures - 7) **26-8**  
[2 - SAC, Alexandria  
(1 - Liaison Unit) AX  
1 - [ ] 5-18-83

EMCL85 ~~ATTACHED~~  
(Enclosure b3 -1, -2  
b6 -1, -3  
b7C -1, -3  
b7D -2)

MAY 13 1983

~~CONFIDENTIAL~~ b7E -1

Classified by: **AB/5**

Declassify by: **OADR**

1cc airtel  
PM 4239  
1cc ea FD-302  
PM 4239

1973  
DECLASSIFIED ON 21 JUN 1983  
BY [ ]

Approved **21 JUN 1983**

Special Agent in Charge

U.S. Government Printing Office: 1972 - 455-574

FBI(21 cv-5450) 15034

~~CONFIDENTIAL~~

Airtel to Director, FBI

Re: FRANCIS E. TERPIL - FUGITIVE, et al

RA [redacted] CONSPIRACY

OO:AX

b3 -1  
b7E -1

For information of FBIHQ and Alexandria, review of available research materials at U. S. Embassy, Paris, failed to reflect any additional documentation of the death of Bruce Roy McKenzie.

[redacted] was cooperative during the interview. He did not display any evasiveness and, aside from occasional difficulty in remembering certain items due to the lapse of time, there did not appear to be any effort to conceal any of the facts as he knew them.

b6 -3  
b7C -3  
b7D -2

However, according to him. [redacted]

Finally, [redacted] advised he would be willing to be reinterviewed should additional areas need exploring subsequent to OO and/or AUSA review of the interview and the documents provided.

It is suggested that FBIHQ, through liaison with U. S. Department of State, endeavor to obtain through the U. S. Embassy, Nairobi, Kenya, documentation regarding the death of Bruce Roy McKenzie.

~~CONFIDENTIAL~~

~~ALL INFORMATION  
HEREIN IS UNCLASSIFIED  
DATE 5/4/89 BY [redacted]~~

b3 -1  
b6 -1  
b7C -1  
b7E -1

-1242



1242

FBI(21-cv-5450)-15036



1242

b3 -1  
b7E -1

Haiti. The country's economic growth rate fell to just over 1% in the fiscal year ending Sept. 30, 1977, compared with an average of almost 4% from 1972 to 1976, according to the Latin America Economic Report June 9. The drop was blamed largely on the widespread drought in the first half of 1977. □

Kenya. Bruce Roy McKenzie, former Kenyan agriculture minister, was killed May 24 in a plane crash during a flight from Kampala, Uganda to Nairobi, Kenya. The two other passengers on the flight and the pilot also were killed.

The Kenyan government sent a telegram to Uganda May 26 charging that the crash had been caused by a bomb placed on the plane at Entebbe airport in Kampala. The Ugandan government denied the charge the next day. McKenzie and the two other men had been in Uganda to discuss arms deals, and it was suspected that opponents of the Ugandan government might have placed the bomb.

(McKenzie, 59, born in South Africa, was the only white to have served in the independent Kenyan Cabinet. He had moved to Kenya in 1946 and had been appointed to his first post in 1959.)

—It was reported April 9 that contracts totaling \$95 million had been awarded to two West German companies and one French firm for the construction of a dam and reservoir on the Tana River. □

Malagasy Republic. Troops moved into the capital city of Antananarivo May 30 to curb two days of violence that had left three persons dead. Students had begun demonstrating May 29 against what they called a lowering of educational standards. However, the disturbances had been aggravated by gangs of unemployed city youths who looted shops and set fire to buildings. The government had imposed a dusk-to-dawn curfew and by May 30 reported that the city was calm. □

Nigeria. More than a week of student riots in Nigeria had left at least nine persons dead and resulted in the arrests of hundreds by April 28, according to reports. University students began demonstrating April 20 over government-mandated increases in tuition and lodging fees. Police and army troops occupied several universities, killing a number of students and closing three institutions indefinitely. Secondary school students took to the streets of Lagos, the capital, April 28 and wrecked school buses and other government vehicles in protest against increased costs at their schools. The increases had been announced as part of the government's austerity program to cut public spending and curb inflation. [See p. 249A1] □

Sudan. Sudan officially devalued its pound June 8 by 13%. The value of the currency was lowered officially to \$2.50 from \$2.89, but government subsidies to foreign purchasers of the pound and government taxes on buyers of foreign currency made the effective exchange rate \$2.00 to the pound. The devaluation was an effort to aid the country's foreign debt

However, the country's ambitious development programs, which required most of the foreign loans, would not be curtailed, according to President Gaafar el-Nimeiry May 24. He promised to improve financial controls and cautioned against exaggerating the importance of recent oil discoveries in the southwestern area of the country.

—In February elections for the National Assembly (parliament), an estimated one-half of the seats were won by opposition candidates, according to the Financial Times (London) March 21. It was the first contested election since Nimeiry had come to power in 1969. □

Tanzania. The government June 2 ordered the expulsion of Lonrho Ltd., a British-based firm, from Tanzania and the liquidation of all its assets within three months. A statement by the Tanzanian High Commission, the country's representative in Britain, said Lonrho "is known to have undermined the freedom struggle in southern Africa," a reference to charges that Lonrho had violated United Nations sanctions against trade with Rhodesia. Lonrho that day replied that Tanzania had presented a "totally false picture regarding its activities in Africa." Lonrho had extensive holdings in eastern Africa, and Roland Rowland, its president, was an active supporter of Rhodesian majority rule. The value of the Tanzanian holdings was not reported, but it was estimated to be a small proportion of Lonrho's African dealings. [See 1977, p. 810D2]

—President Nyerere April 26 freed 13 prisoners, among them former Economic Affairs Minister Abdulrahman Babu, who had been sentenced to death for the assassination of Zanzibar leader Sheik Abeid Amani Karume. [See 1976, p. 1013C3] □

Upper Volta. Gen. Sangoule Lamizana, leader of Upper Volta since 1966, was elected president of the country's first civilian government in 12 years after a runoff vote May 28. Lamizana won 56% of the vote, while his opponent, Macaire Ouedraogo, won 43%. (The rest of the votes were disqualified.) The runoff had been called after presidential elections May 14 in which none of the four candidates received a plurality. Voter turnout was low in both races; 35% of the electorate voted May 14, and 44% voted May 28. Under the Constitution, Lamizana would serve a five-year term and could be reelected president only once.

—Gerard Kango Ouedraogo was elected president of the National Assembly June 9 by 29 of the 57 members of the newly elected parliament. [See p. 345D3] □

## MISCELLANEOUS

### Disasters

Tornadoes Strike Southeast. Numerous communities were damaged April 17-18 when a string of tornadoes battered Alabama, Arkansas, Mississippi and Louisiana, leaving four dead and 57 in-

property damage as a result.

A general storm system, with a violent front that swept across the country, spawned additional twisters in the South.

On May 4 a tornado dropped down from the sky and demolished an elementary school in Clearwater, Fla. Two children were killed and 96 injured. Earlier the same day, another twister had jumped across Gainesville, Fla. No injuries were reported but power outages forced closure of the University of Florida.

In Jackson County, Kans. May 31, a tornado left a path of damage 20 miles long and a half-mile wide. Three persons were killed and one seriously injured when their mobile home was struck. In Marshall County, 16 cars of a freight train were derailed.

On June 17 in Ottawa, Kans., a showboat was capsized by a tornado about 100 yards from shore on Lake Pomona. It had embarked with 59 passengers and crew. Fifteen persons were killed. □

Tornadoes, Heat Wave in India. Six villages in India's eastern state of Orissa were devastated April 16 by a 10-minute tornado which flattened all the dwellings in the area. All-India Radio reported a death toll of between 400 and 500 persons. Another tornado struck a village in West Bengal state, killing about 100.

In a June 7 report from Delhi, over 200 persons were said to have died from sunstroke or dehydration during a month-long heat wave. The temperatures had ranged between 105° and 110° F (between 41° and 43° C), remaining in the high nineties at night. It was reckoned to be the worst hot spell in 11 years.

The Delhi municipal electricians went on strike June 6 leaving the city without power for refrigeration, fans or air conditioners.

(The current of extremely hot air extended across to southwest Iran where it was reported June 12 that at least 10 persons had died in temperatures that had reached 124° F (51° C), the highest in 27 years.) □

Japan Hit by Earthquakes. Twenty-seven persons were killed and nearly 1,100 were injured June 12 when Japan's main island of Honshu was rocked by an earthquake that measured 7.5 on the Richter scale. The epicenter of the earthquake, which lasted only several seconds, was in the Pacific Ocean 12 miles (19 kilometers) east of the city of Sendai, 180 miles (288 kilometers) northeast of Tokyo.

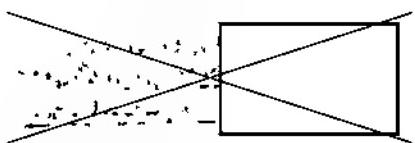
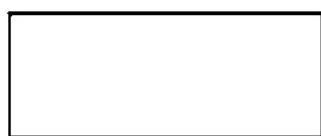
It was the most powerful quake recorded anywhere during 1978 and the strongest tremor in Japan since 1964. A lesser quake shook the same area two days later and again June 21 without causing injuries.

Another earthquake had occurred Jan. 13 on the Izu peninsula, 80 miles (128 kilometers) southwest of Tokyo. It registered 7 on the Richter scale and was followed by a series of minor tremors. The death toll was 23 and property damage was put at \$76 million.

Additional quakes struck other areas of Japan on Feb. 20 and May 23. Both

b3 -1  
b6 -1  
b7C -1  
b7E -1

1342



## FEDERAL BUREAU OF INVESTIGATION

Date of transcription April 26, 1983

After being advised of the identity of the interviewing  
Special Agent,

[redacted] was interviewed [redacted] concerning his  
association with and knowledge of Edwin Paul Wilson and  
Francis Edward Terpil.

b6 -3  
b7C -3  
b7D -2

This interview occurred at [redacted]  
[redacted]

At the outset, [redacted] was asked if he had any knowledge  
of Terpil's whereabouts. He advised that he had last seen Terpil  
in approximately [redacted] and had no current knowledge as to where  
he could be located. This last meeting occurred at [redacted].  
He indicated he had a "gut feeling" Terpil was alive and stated he  
had heard from an unrecalled individual that Terpil had been seen in  
Munich, Germany, two weeks after his alleged assassination.

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] advised, moreover, he was acquainted with one [redacted]  
whom he believed might know of Terpil's location or might have some  
knowledge regarding his location. [redacted] recounted having a  
telephone conversation with [redacted] during which the latter [redacted]  
[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] provided the following background on himself  
which he used to explain his initial meeting with Terpil.  
[redacted]  
[redacted]

Investigation on April 21, 1983 at [redacted]

File # Alexandria [redacted]

by SA [redacted]

b3 -1

b6 -1, -3

b7C -1, -3

b7D -2

Date dictated April 25, 1983

FBI(21-cv-5450)-15058

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5/1/89 BY [redacted]

[REDACTED]

[REDACTED]

[REDACTED]

About that time, he received a call from [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED]

[REDACTED]

[REDACTED]

As [REDACTED] recalls, he was introduced to Terpil [REDACTED]

b6 -3  
b7C -3  
b7D -2

Shortly thereafter, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Terpil contacted [REDACTED] and introduced  
Edwin Paul Wilson. Both men stated [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As it was explained to [REDACTED] by Terpil  
and Wilson.

[REDACTED]

b6 -1  
b7C -1

[redacted]

[redacted] again according to [redacted]

[redacted]

b6 -3  
b7C -3  
b7D -2

[redacted] At this point, [redacted] advised

[redacted]

at about this point in time. [redacted]

[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]

[redacted]

b6 -1  
b7C -1

[redacted]

[redacted]

[redacted]

knowledge as to their names.

had no

b6 -3  
b7C -3  
b7D -2

[redacted]

[redacted]

b6 -1  
b7C -1

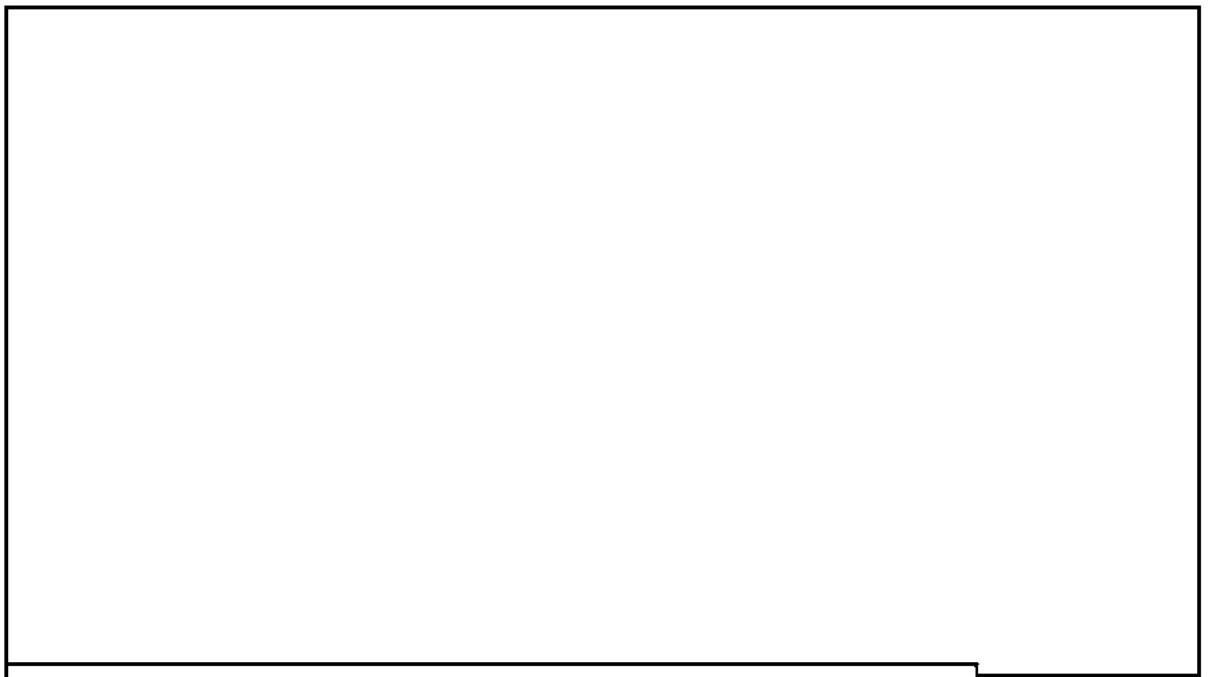
[redacted]  
According to [redacted] recollection. [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

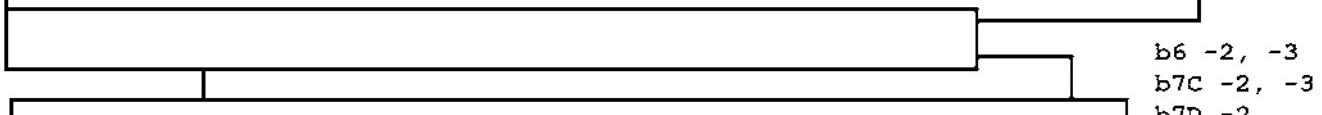
[redacted]  
[redacted]  
name not recalled. At this point, [redacted]

b6 -3  
b7C -3  
b7D -2

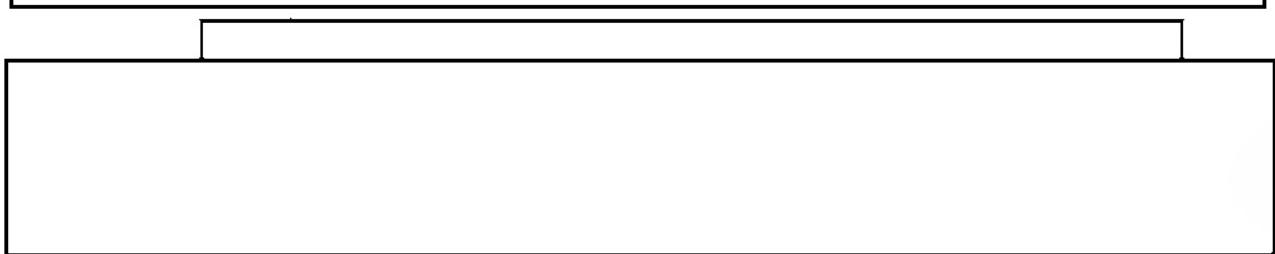
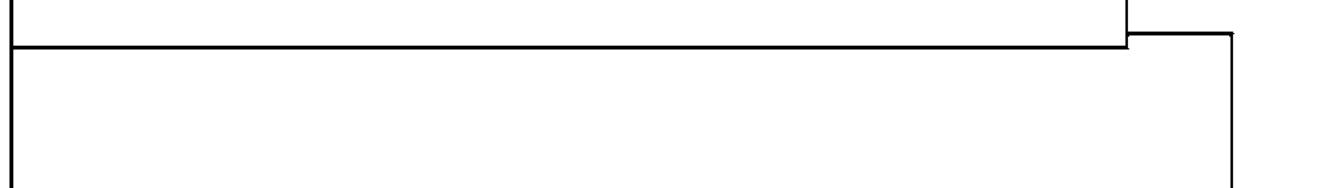
[redacted]  
b6 -1  
b7C -1



b6 -3  
b7C -3  
b7D -2



b6 -2, -3  
b7C -2, -3  
b7D -2



b6 -1  
b7C -1

[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]  
recalled that [redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]

According to [redacted]

[redacted]

b6 -3  
b7C -3  
b7D -2

[redacted]

b6 -1  
b7C -1

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted] stated he last saw Francis Terpil in [redacted]

[redacted]

[redacted] According to [redacted] Terpil had a habit of [redacted]  
[redacted] and [redacted]

[redacted]

[redacted]

Although [redacted] does not recall Terpil [redacted]

[redacted]

He has not seen Terpil since that day.

[redacted] advised he had never heard of the following  
individuals:

[redacted]

b6 -2, -3  
b7C -2, -3  
b7D -2

[redacted]

b6 -1  
b7C -1

Regarding [REDACTED] recalls that in one of Wilson's original contacts with [REDACTED] Wilson advised him [REDACTED] that [REDACTED] advised he never met [REDACTED] and never knew who he was.

Although he knew of [REDACTED] as being a Wilson associate, [REDACTED] advised he never met him and only knew him by reputation.

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED] concluded by stating that to the best of his knowledge he had never done anything illegal in his dealings with Wilson/Terpil, et al but admitted that the questions he began to ask himself [REDACTED] brought his actions in his own mind into question morality.

b6 -1  
b7C -1

## FEDERAL BUREAU OF INVESTIGATION

April 25, 1983  
Date of transcription

On April 22, 1983, [redacted] telephonically contacted [redacted] from [redacted]

b6 -3  
b7C -3  
b7D -2

[redacted] advised he had gone through his files for documents which might be pertinent to his association with Wilson/Terpil, et al, and had found several which he was willing to mail to the above office.

These documents were received by registered mail on April 25, 1983. They are described as follows:

b6 -2, -3  
b7C -2, -3  
b7D -2

Investigation on April 25, 1983 at [redacted] File # Alexandria [redacted]

by SA [redacted] b3 -1  
b6 -1, -3 Date dictated April 26, 1983

b7C -1, -3

b7D -2

FBI(21 cv 5450) 1506/

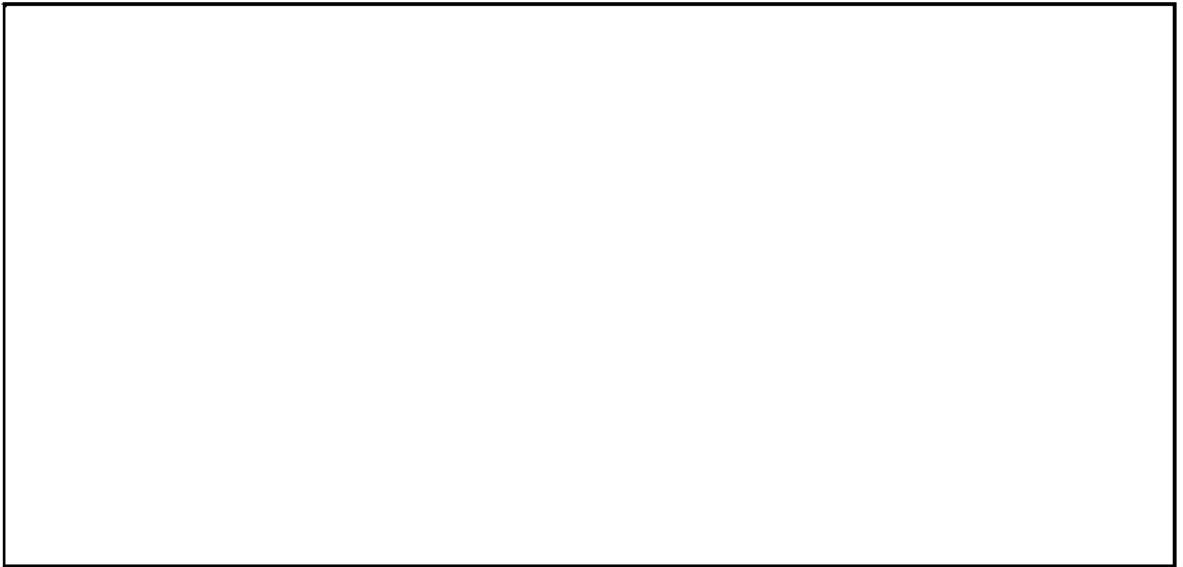
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b7E -1

ALL INFORMATION  
HEREIN IS UNCLAS  
DATE 5/4/89 BY [redacted]

- 2 -

b6 -2, -3  
b7C -2, -3  
b7D -2



[redacted] 10273 1650130

~~SECRET~~

RECEIVED  
FBI - NEW YORK

10 MAY 83 16 04Z

OO HQ NK WF

DE NY 207

0 101630 APR 83

FEDERAL BUREAU OF INVESTIGATION

NEW YORK [redacted]

DIRECTOR IMMEDIATE

: CID-TERRORISM SECTION [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1, -8

[redacted]

NEWARK IMMEDIATE

WASHINGTON FIELD IMMEDIATE

BT

SUPV. [redacted]

b3 -1  
b6 -1, -2, -4  
b7C -1, -2, -4  
b7D -2  
b7E -1

~~SECRET~~

AKA: FOREIGN AGENTS REGISTRATION ACT; OO: NY.

THIS COMMUNICATION IS CLASSIFIED "SECRET" IN ITS ENTIRETY.

FOR INFORMATION RECIPIENTS, [redacted]

[redacted] THE AUSA IN THE CASE, [redacted]

CONTACTED

THE NEW YORK FBI OFFICE, WHICH IS NOT INVOLVED IN THE PROSECUTION  
OF SUBJECT, TO REQUEST IMMEDIATE ASSISTANCE IN REVIEWING FBI

DOCUMENTS CONCERNING THE SUBJECT WHICH MAY BE P

DE-82

OR 3500 MATERIAL WHICH MAY BE REQUIRED TO BE PR

DEFENSE ATTORNEYS IN THE CASE OR AT LEAST IN AN IN CAMERA ~~IS~~ MAY 20 1983  
PROCEEDING TO THE DISTRICT JUDGE HANDLING THE TRIAL. [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE.

b6 -1  
b7C -1

FBI(21-cv-5450)-15075

5/18/89  
Classified by [redacted]  
Declassify on [redacted]

CC to  
[redacted]  
[redacted]

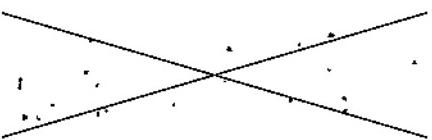
6

HJD/P

~~SECRET~~

  
TERORISM  
SECTION, CID  
FBI

b6 -1  
b7c -1



77

22

PAGE TWO ~~SECRET~~ NEW YORK [redacted]

b3 -1  
b6 -2  
b7C -2  
b7D -2  
b7E -1

STATED THAT HE HAS ALREADY CONTACTED THE PRINCIPLE LEGAL AGENT OF THE WFO TO OBTAIN A COPY OF A LENGTHY STATEMENT WHICH [redacted] APPARENTLY PROVIDED A WASHINGTON FIELD BUREAU AGENT

[redacted] IN ORDER TO

[redacted] IN CONNECTION WITH NUMEROUS INVESTIGATIONS [redacted]

WAS APPARENTLY INVOLVED IN.

[redacted] IS ALSO AWARE THAT THE NEWARK OFFICE OF THE FBI MAY HAVE [redacted] AND THEREFORE HE DESIRES TO REVIEW ANY [INFORMANT FILE] FROM NEWARK AND/OR HEADQUARTERS AND AS HE HAS BEEN ADVISED BY DEFENSE COUNSEL THAT [redacted] DEFENSE MAY BE THAT HE ACTED AT THE DIRECTION AND CONTROL OF THE FBI IN COMMITTING [redacted] FOR WHICH HE STANDS CHARGED.

b3 -1  
b6 -2, -4  
b7C -2, -4  
b7D -2

NEWARK IS TO REVIEW THEIR FILE [redacted] AS WELL AS ANY OTHER REFERENCES AVAILABLE AT NEWARK REGARDING CAPTIONED SUBJECT AND PROVIDE A SUSCINCT YET DETAILED SUMMARY TO FBIHQ. THE NEWARK PRINCIPLE LEGAL AGENT SHOULD CONTACT [redacted] AT [redacted] AFTER APPROPRIATE CONSULTATION WITH FBIHQ SUPV. [redacted] REGARDING THE ABOVE.

FBIHQ IS REQUESTED TO HANDLE [redacted] REQUEST IN

~~SECRET~~

PAGE THREE ~~SECRET~~

~~T-1~~  
b3 -1  
b6 -2  
b7C -2  
b7D -2  
b7E -1

ACCORDANCE WITH EXISTING PROCEDURES. FOR INFORMATION, NEW YORK INDICES REGARDING SUBJECT REFLECT REFERENCES TO SUBJECT IN NYFILE [REDACTED] WHICH IS THE WILSON/TERPIL FOREIGN AGENTS REGISTRATION ACT MATTER, 88-19278 WHICH IS THE MAIN UNLAWFUL FLIGHT INVESTIGATION CONDUCTED AT NEW YORK WHEN [REDACTED] FLED THE NEW YORK AREA TO AVOID PROSECUTION AND CONFINEMENT ON CHARGES BROUGHT BY THE MANHATTAN DISTRICT ATTORNEY'S OFFICE AND IN NYFILE [REDACTED] AND IN [REDACTED] WHICH IS A [REDACTED] OFFERED TO PROVIDE CERTAIN INFORMATION. HIS OFFER WAS REJECTED BECAUSE OF THE CIRCUMSTANCES [REDACTED] THESE FILES WILL BE REVIEWED IN DETAIL AND A SUSCINCT SUMMARY PROVIDED.

b6 -3  
b7C -3  
b7D -2  
b7E -1

[REDACTED] IS ALSO KNOWN TO BE MAKING CONTACTS WITH [REDACTED]  
[REDACTED] THIS CONTACT HAS BEEN MADE [REDACTED] AND THIS WILL BE REPORTED SEPERATELY. ~~(X)~~

~~G-BY G-3, DECL: OADR.~~

BT

#

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION  
LATENT FINGERPRINT SECTION  
IDENTIFICATION DIVISION

Date 5/2/83

(To be used in lieu of correspondence covering evidence submission to the L. F. P. S.)

Submitting Agency \_\_\_\_\_

by \_\_\_\_\_

Accepted By \_\_\_\_\_

Be used for telephone request

FEDERAL GOVERNMENT  
LOCAL & STATE  
b3 -1  
b6 -1  
b7C -1  
b7E -1Requesting Agency MR. O.B. REVELL, ASST DIRECTOR, CRIMINAL INVESTIGATIVE DIVISIONRequested by SSA

Accepted By \_\_\_\_\_

Examiner \_\_\_\_\_

Victim \_\_\_\_\_

FBI FILE NO. \_\_\_\_\_

Offense \_\_\_\_\_

LATENT CASE NO. B-80073

Place and date \_\_\_\_\_

Suspects JEROME SANFORD BROWER DOB 5-5-19 SSAN

to be directed to \_\_\_\_\_

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1to AXnce to be returned to AX

Date of hearing, grand jury, trial or reason why expeditious handling is necessary

MAY 11, 1983

## EVIDENCE / BRIEF FACTS

COMPARE FGTS OF BROWER WITH FGTS  
DEVELOPED ON ITEM #7 & #10. ITEM  
#7 & #10 SUBMITTED BY SSA  
ON MARCH 20 1983

THIS SPACE FOR BLOCKING

12 JUL 8 1983  
 b3 -1  
b6 -1  
b7C -1  
b7E -1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5/1/89 BY

(over)

AND  
2-5-83

FBI(21-cv-5450)-15079

b6 -1  
b7C -1



Exec AD Adm. \_\_\_\_\_  
Exec AD Inv. \_\_\_\_\_  
Exec AD LES \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Inspec. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Off. Com. \_\_\_\_\_  
Public Affs. \_\_\_\_\_  
Rec. Maint. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Telecomm. \_\_\_\_\_  
Director's Secy. \_\_\_\_\_  
[Redacted]

~~SECRET~~

To : Mr. O. B. Revell

Date : 3/29/83

From : S. Klein

Subject : FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWARD PAUL WILSON; ET AL;  
RA: [REDACTED] CONSPIRACY, SOLICITATION TO  
COMMIT MURDER;  
OO: ALEXANDRIA

b3 -1  
b6 -1  
b7C -1  
b7E -1

PURPOSE: To submit Wilson's business documents to the Laboratory and Identification Divisions for handwriting and latent fingerprint examinations.

RECOMMENDATIONS: 1) It is recommended that the enclosed twenty-one documents be sent to the Laboratory Division, Documents Section, Operations Unit 2 for handwriting analysis.

2) It is also recommended that the twenty-one documents be processed for latent fingerprints by the Identification Division, Latent Fingerprint Section.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

DETAILS: The following twenty-one documents (see enclosures) regarding Wilson's business activities were furnished to SSA [REDACTED] CID, Terrorism Section on March 11, 1983 by a sensitive source who has furnished reliable information in the past:

b3 -1  
b6 -1  
b7C -1  
b7E -1

Enclosures

1 - Mr. Revell

1 -

1 -

1 -

1 -

1 - Mr. Klein

1 -

1 -

1 -

1 -

(10)

5/4/89  
Classified by [REDACTED]  
Declassify by [REDACTED]

AMSD  
2-5-83

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. B. Revell from S. Klein  
RE: FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWARD PAUL WILSON; ET AL;

The image consists of a series of horizontal bars of varying lengths, all rendered in black. Each bar features a shorter, solid black segment on its left side. The length of this black segment varies from bar to bar. A small, stylized icon of a four-legged insect, possibly a beetle or fly, is positioned at the right end of each bar. The bars are arranged vertically, creating a pattern of alternating black and white segments.

b6 -2  
b7C -2  
b7D -2

b6 -2  
b7C -2  
b7D -2

b7D -2

- 2 -

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. B. Revell from S. Klein  
RE: FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWARD PAUL WILSON; ET AL;

b6 -2  
b7C -2  
b7D -2

b7D -2

b6 -2  
b7C -2  
b7D -2

~~SECRET~~

~~SECRET~~

Memorandum to Mr. O. B. Revell from S. Klein  
RE: FRANCIS EDWARD TERPIL - FUGITIVE;  
EDWARD PAUL WILSON; ET AL;

[REDACTED]

[REDACTED] (S)

[REDACTED] (S)

[REDACTED] (S)

[REDACTED] (S)

b7D -2

To authenticate these documents as belonging to Edwin Paul Wilson, handwriting and latent fingerprint examinations are essential.

The Laboratory Division, Documents Section, Operations Unit 2 is requested to compare the known signatures of Wilson previously submitted by the Alexandria Division under case entitled "Edwin Paul Wilson, OOJ, OO: New York" to the Wilson signatures on documents numbered 1, 2, 6, 7, 8, 9, 10 and 11. Report of findings should be furnished to the Alexandria Division and to SSA [REDACTED] CID, Terrorism Section, Room 4239.

The Documents Section is requested to forward the twenty-one documents to the Identification Division, Latent Fingerprint Section when handwriting examinations are completed.

b6 -1  
b7C -1

The Latent Fingerprint Section is requested to process the twenty-one documents for latent fingerprints and to compare results with the known fingerprints of Edwin Paul Wilson, FBI number 945-252-V10.

Report of findings should be furnished to the Alexandria Division and to SSA [REDACTED] CID, Terrorism Section, Room 4239. The twenty-one documents should be sent to the Alexandria Division.

- 4 -

~~SECRET~~

FBI(21 cv 5450) 15083

BY [REDACTED]

U.S. GOVERNMENT PRINTING OFFICE

158 P-6  
ALL INFORMATION CONTAINED  
COMMUNICATIONS STAMP

PAGE

10:

6

DATE

MAY 17, 1983

CLASSIFICATION

~~SECRET~~

PERIOD

PRIORITY

b6 -1

b7C -1

#F1381PP NK NY WFO/HQ 10138 #HOP\*YSDP 172049Z MAY 83

FM DIRECTOR FBI  
TO TO FBI NEWARK PRIORITY  
FBI NEW YORK PRIORITY  
14 FBI WASHINGTON FIELD PRIORITY

BT

~~SECRET~~

12 CHANGED: [REDACTED] AKA [REDACTED] FOREIGN  
10 AGENTS REGISTRATION ACT; OO: NEW YORK ~~X~~

NY  
AT

b6 -2  
b7C -2  
b7D -2

8 TITLE MARKED CHANGED TO REFLECT SUBJECT'S TRUE NAME.

8 TITLE PREVIOUSLY SHOWN AS [REDACTED] ~~X~~

6 THIS COMMUNICATION IS CLASSIFIED SECRET IN ITS ENTIRETY ~~X~~

6 RE NEWARK {NK} TELETYPE TO BUREAU, MAY 11, 1983

5 {NY} TELETYPE TO BUREAU, MAY 10, 1983; WASHINGTON FI

4 {WFO} AIRTEL TO BUREAU ENTITLED [REDACTED] AKA, [REDACTED]

3 DATED MAY 3, 1983; AND

2 TELEPHONE CALL FROM [REDACTED] CLLIGENCE  
1 DIVISION {INTD}, MAY 13, 1983. *1243*

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7E -1

DO NOT TYPE MSGACT UNLESS TEL RPT

PPRO

[REDACTED]

DATE

[13]

5/17/83

ROOM

4575

TELEXT

4239

1 LATTN: [REDACTED]

1 MR. GILBERT [REDACTED]

1 MR. KLEIN {CID} [REDACTED]

b6 -1  
b7C -1

9 MAY 20 1983

1 [REDACTED]

1 [REDACTED]

1 FIRST INDEX [REDACTED]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
WHERE SHOWN

sl4/89  
Classified  
Declassified

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

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FBI(21 cv 5450) 15084

INCONS

JUN 22 1983

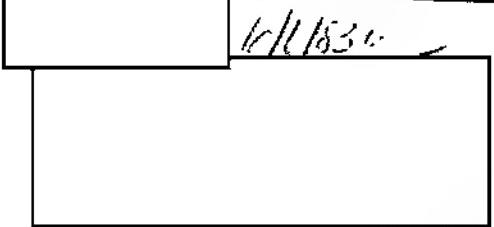


7/7/83



b6 -1  
b7C -1

6/16/83



RECEIVED  
TELETYPE UNIT  
17 MAY 83 20 492  
FEDERAL BUREAU OF INVESTIGATION



2

PAGE TWO DE HQ 0138 ~~SECRET~~

FOR INFORMATION OF NK AND NY REFERENCED WFO AIRTEL

REPORTED RECEIPT OF [REDACTED]

[REDACTED]  
b6 -1, -3, -4  
b7C -1, -3, -4  
b7D -2

ON MAY 12, 1983, PLA [REDACTED] NK DIVISION CONTACTED

AUSA [REDACTED] SDNY TO DETERMINE SPECIFIC FBI ASSISTANCE

REQUESTED FOR [REDACTED]

AUSA [REDACTED] REQUESTED INFORMATION ON ALL FBI CONTACTS  
WITH [REDACTED] TO INCLUDE PURPOSE, DATES AND IDENTITIES OF  
CONTACTING AGENTS SINCE MATERIAL COULD BE SUBJECT TO DISCLOSURE  
UNDER BRADY OR SECTION 3500.

REVIEW OF THE FBIHQ [ASSET FILE] [REDACTED] PERTAINING TO  
SUBJECT BY SUPERVISORY SPECIAL AGENTS ASSIGNED TO THE INTD AT  
FBIHQ HAS FAILED TO REVEAL THE EXISTENCE OF ANY DOCUMENTS  
QUALIFYING AS BRADY MATERIAL OR SECTION 3500 MATERIAL, NOR HAS  
THE REVIEW REVEALED ANY INFORMATION PERTINENT TO THE CRIMINAL  
PROCEEDINGS IN WHICH SUBJECT IS CURRENTLY INVOLVED. THIS

b3 -1  
b7E -1

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PAGE THREE DE HQ D138 ~~SECRET~~

REVIEW ALSO FAILED TO REVEAL ANY MATERIAL IN THE SUBJECT'S  
[ASSET FILE COMING UNDER THE PURVIEW OF THE FOREIGN INTELLIGENCE  
SURVEILLANCE ACT [FISA] OF 1978.]~~(X)~~

THE NK SA WHO WAS THE CASE HANDLER FOR SUBJECT DURING THE RELEVANT TIME PERIOD SHOULD, FOLLOWING REVIEW OF ALL NK MATERIALS PERTAINING TO SUBJECT AND AFTER CONSULTATION WITH PLA, NK, PREPARE AND EXECUTE AN AFFIDAVIT ATTESTING TO THE FACT THAT THERE IS NO BRADY OR SECTION 3500 MATERIAL CONTAINED IN ~~THE FBI ASSET FILES~~ CONCERNING SUBJECT AND THAT THERE IS NO DOCUMENTATION SUPPORTING ANY ALLEGATION BY SUBJECT THAT AT THE TIME HE PERFORMED THE ACTS FOR WHICH INDICTED HE WAS ACTING AT THE BEHEST OF THE FBI.~~(X)~~

SUCH AFFIDAVIT SHOULD BE SUFFICIENT FOR UTILIZATION BY AUSA [ ] IN CONNECTION WITH THE CRIMINAL PROCEEDINGS INVOLVING SUBJECT IN THE UNITED STATES DISTRICT COURT, SDNY.

RECEIVING OFFICES ARE ADVISED THAT, ALTHOUGH INTD AS A GENERAL POLICY MATTER NORMALLY INTERPOSES AN OBJECTION TO REVIEW OF CLASSIFIED FBI FILES BY PERSONNEL OUTSIDE OF THE FBI, FBIHQ INTERPOSES NO OBJECTION TO REVIEW OF [SUBJECT'S ASSET FILE]~~(X)~~ BY AUSA [ ]. THIS DECISION IS BASED ON A DETERMINATION,

b6 -4  
b7c -4

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PAGE FOUR DE HQ 0138 ~~SECRET~~

AFTER CONTACT BETWEEN PLA [REDACTED] AND AUSA, THAT IN THIS PARTICULAR CASE PERSONAL REVIEW OF THE FILE BY THE AUSA WOULD ENHANCE HIS UNDERSTANDING OF SUBJECT'S RELATIONSHIP WITH THE FBI, THUS STRENGTHENING HIS ABILITY TO EFFECTIVELY AND CONFIDENTLY RESPOND TO ANY ALLEGATIONS MADE BY SUBJECT'S ATTORNEY DURING THE CRIMINAL PROCEEDINGS. THE OFFICE OF SECURITY, UNITED STATES DEPARTMENT OF JUSTICE, HAS ADVISED FBIHQ THAT AUSA [REDACTED] POSSESSES ALL SECURITY CLEARANCES NECESSARY TO REVIEW ANY OF THE MATERIALS IN QUESTION IN THIS MATTER. PLA, NK, IS REQUESTED TO COORDINATE ALL EFFORTS IN CONNECTION WITH PREPARATION OF THE AFOREMENTIONED AFFIDAVIT AND TO ENSURE THAT APPROPRIATE SECURITY MEASURES ARE FOLLOWED IN THE DELIVERY OF [SUBJECT'S ASSET FILE] TO AUSA [REDACTED] FOR HIS PERSONAL REVIEW.

b6 -1, -4  
b7C -1, -4

ON MAY 11, 1983, AUSA [REDACTED] DISTRICT OF COLUMBIA ADVISED THAT [REDACTED]

[REDACTED]

b6 -1, -2, -4  
b7C -1, -2, -4  
b7D -2

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PAGE FIVE DE HQ 0138 ~~SECRET~~

[REDACTED] FBI

ASSET [REDACTED]

NAMED [REDACTED] IN THIS CASE IS UNKNOWN TO NK OR FBIHQ.

[REDACTED] INVOLVEMENT OF AN SA

b6 -1, -2  
b7C -1, -2  
b7D -2

ON MAY 16, 1983, A REVIEW OF THE ELSUR INDEX REGARDING

[REDACTED] REVEALED THREE REFERENCES UNDER [REDACTED]

b3 -1  
b6 -1, -2, -4  
b7C -1, -2, -4  
b7D -2, -4  
b7E -1

PLA NK IS ALSO REQUESTED TO SERVE AS THE COORDINATOR OF  
COOPERATIVE EFFORTS IN INSTANT MATTER INVOLVING AUSA [REDACTED]  
SDNY AND APPROPRIATE PERSONNEL IN THE RECIPIENT OFFICES.

CONTACT POINTS AT FBIHQ ARE SSA [REDACTED] SPECIAL STAFF, INTD  
{EXT. 4677} AND SSA [REDACTED], TERRORIST SECTION, CID {EXT.  
4575}.

NK, NY AND WFO ARE REQUESTED TO REVIEW APPROPRIATE FILES  
FOR CONTACTS WITH SUBJECT AND REFERENCES TO SA [REDACTED] SUTEL b6 -1  
RESULTS TO FBIHQ AND RECIPIENT OFFICES. [REDACTED] b7C -1

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NOTE: BY TELETYPE, DATED MAY 10, 1983, NEW YORK REQUESTED  
GUIDANCE IN HANDLING REQUEST OF AUSA [redacted] SDNY TO REVIEW  
FBI DOCUMENTS REGARDING [redacted] FOR POTENTIAL BRADY  
AND SECTION 3500 MATERIAL. [redacted]

[redacted]

[redacted]

[redacted] {U}

[redacted]

{U}

[redacted]

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b6 -3  
b7C -3  
b7D -2

~~SECRET~~

-7-

~~SECRET~~

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[REDACTED] AS A SOURCE OF INFORMATION IN  
CONNECTION WITH INVESTIGATION ENTITLED [REDACTED]

~~DSI~~

THIS TELETYPE REQUESTS THAT PLA, NEWARK ACT AS OVERALL COORDINATOR SINCE FORMER [REDACTED] CASE AGENT WILL BE REQUIRED TO PREPARE AN AFFIDAVIT ATTESTING TO THE FACT THAT THERE IS NO BRADY OR SECTION 3500 MATERIAL CONTAINED IN THE ASSET FILE NOR IS THERE ANY DOCUMENTATION SUPPORTING ANTICIPATED ALLEGATION BY SUBJECT THAT [REDACTED]

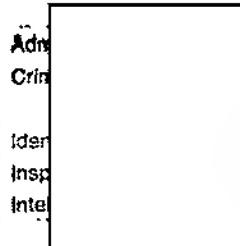
b6 -1, -3  
HE b7C -1, -3  
b7D -2

WAS ACTING AT THE BEHEST OF THE FBI [REDACTED] ~~DSI~~

THIS RESPONSE HAS BEEN COORDINATED BETWEEN SSA [REDACTED]  
TERRORISM SECTION, CID AND SSA [REDACTED] SPECIAL STAFF,  
INTD. ~~DSI~~

APPROVED:

Director \_\_\_\_\_  
Exec. AD-Adm \_\_\_\_\_  
S/cc. AD-Inv. \_\_\_\_\_  
Exec. AD-LES \_\_\_\_\_  
Adm \_\_\_\_\_  
Crim \_\_\_\_\_  
Ident. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intel. \_\_\_\_\_



atoratory \_\_\_\_\_  
gal Coun. \_\_\_\_\_  
of Cong. \_\_\_\_\_  
Public A. \_\_\_\_\_  
p. Mgmt \_\_\_\_\_  
ch. So. & \_\_\_\_\_  
Inning \_\_\_\_\_

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b7C -1

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WFO

11 MAY 83

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FEDERAL  
OF INVESTIGATION

MARK [redacted] (P) (FCI-2)

TO DIRECTOR (IMMEDIATE)

NEW YORK [redacted] (IMMEDIATE)

WFO (IMMEDIATE)

BT

b3 -1  
b6 -1  
b7C -1  
b7E -1

b3 -1  
b6 -1, -2  
b7C -1, -2  
b7D -2  
b7E -1

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[redacted] AKA; FOREIGN AGENTS REGISTRATION ACT;

OO: NEW YORK

RE: NEW YORK TELETYPE TO THE BUREAU, DATED MAY 10, 1983,  
CAPTIONED AS ABOVE AND NEWARK TELETYPE TO THE BUREAU, WITH  
COPIES TO NEW YORK AND WFO, DATED JUNE 30, 1980, CAPTIONED

[redacted] THIS COMMUNICATION IS CLASSIFIED "~~SECRET~~" IN ITS ENTIRETY

FOR INFORMATION OF THE BUREAU AND RECEIVING OFFICES, [THE]  
CAPTIONED SUBJECT

sl489  
Classified by [redacted]  
Declassify by [redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

b3 -1  
b6 -1, -3 12 MAY 26 1983  
b7C -1, -3  
b7D -2  
b7E -1

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PAGE TWO. NK

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b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

[REDACTED] PROVIDED USEFUL

BACKGROUND INFORMATION REGARDING [REDACTED]

[REDACTED] X IT WAS ASCERTAINED THAT

INFORMATION HAD COME TO THE ATTENTION OF THE NEW YORK OFFICE  
THAT [REDACTED]

b6 -2, -3  
b7C -2, -3  
b7D -2

[REDACTED] [BASED ON THIS INFORMATION]

NEWARK [REDACTED]

REVIEW OF THE INFORMATION CONTAINED WITHIN THE INFORMANT FILE [REDACTED] X

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FBI(21-cv-5450)-15094

PAGE THREE, NK

~~SECRET~~

b3 -1  
b6 -3  
b7C -3  
b7D -2  
b7E -1

THE ABOVE REFERENCED NEWARK

TELETYPE TO THE BUREAU CONTAINS DETAILS OF [REDACTED]  
MEETING BETWEEN [REDACTED] HIS ATTORNEY, NEWARK SPECIAL AGENTS  
AND REPRESENTATIVES OF THE UNITED STATES ATTORNEY'S OFFICE.  
THROUGH THE COURSE OF THIS MEETING, [REDACTED]

COMPLETE DETAILS OF THIS MEETING ARE CONTAINED WITHIN

REFERENCED NEWARK TELETYPE.

C BY 4549, DEC. 6 1968

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RE HQ AX

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2100Z MAY/83

NEW YORK [redacted]

DIRECTOR [redacted] ROUTINE

ANDRIA [redacted] ROUTINE

REF ID: A67113  
TEN

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28 May 83 U [redacted]

FACSIMILE  
OF DIRECTOR'S [redacted]

b3 -1  
b6 -1  
b7C -1  
b7E -1

UNWELLS

FRANCIS X. TERPIL; ET AL; FARA [redacted] SOLICITATION TO COMMIT  
MURDER; OO: AX.

REAXAIRTEL TO HEADQUARTERS AND NEW YORK, DATED MAY 26,  
1983.

FOR INFORMATION, [redacted]  
TELEPHONICALLY CONTACTED NEW YORK FBI AND ADVISED THAT DU  
[redacted] RECEIVED TELEPHONIC  
CONTACT FROM [redacted] ADVISE  
THAT HE WAS CURRENTLY IN [redacted]  
[redacted] WHEN HE COMPLETES DOING HIS BUSINESS  
[redacted]

1045

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

b3 -1  
b6 -1, -2, -3  
b7C -1, -2, -3  
b7D -2  
b7E -1

b6 -1  
b7C -1

5/4/89  
Classified by  
Declassify on

100-4239

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PAGE TWO U N C L A S NEW YORK [redacted]

[redacted]  
[redacted] AGAIN ADVISED [redacted]

[redacted]  
[redacted] ADVISED THAT [redacted]

b3 -1  
b6 -2, -3  
b7C -2, -3  
b7D -2  
b7E -1

NYTEL TO HEADQUARTERS AND ALEXANDRIA DATED JANUARY 8, 1982,

SET FORTH DETAILS REGARDING INTERVIEW OF [redacted] BY NEW YORK  
FBI.

b6 -2, -3  
b7C -2, -3  
b7D -2

FUTURE CONTACTS WITH [redacted]

[redacted] WILL BE SET FORTH IN A LATER COMMUNICATION.

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# FBI(21-cv-5450)-15097